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The Week

DEATH has struck heavily at the progressives during the past seven days. The passing of Senator LaFollette, so completely without warning that it came as a profound shock to the whole country, friend and foe alike, was followed within ninety-six hours by that of Senator Ladd. Thus, almost at a blow, the number of the men in the Senate who could be counted upon unfailingly as progressives has been reduced by one-half. We take it that our readers will hardly need to have recalled to them in detail the careers of Senators LaFollette and Ladd. An analysis of the personality of the former appears elsewhere in this issue, and the facts in the history of both men have been set forth at length by the daily press. It is interesting, if somewhat disheartening, to compare the estimates made now of Senator LaFollette by conservative newspapers with those which appeared a few months ago when he was a candidate for the Presidency. The lion dead suddenly turns out not to have been the ravening beast of prey he was painted when an illusion of ferocity was needed to frighten the sheep into doing their duty for Coolidge at the polls.

SOME of the Washington correspondents, discussing the situation created by the deaths of these two men, and Senator LaFollette in particular, write as though an irreparable, indeed a fatal, blow had been dealt to the whole progressive movement. While we should be the last to deny that these leaders will be sorely missed, it shows a grave misunderstanding of the spirit of progressivism to suppose that its welfare is dependent on the personality of any individual. The movement is founded on definite principles, and on a recognition under them that injustice is being done to certain classes in the community. While the struggle can be, and has been, enormously assisted by the leadership of men like LaFollette and Ladd, in the long run it can only be affected by alterations in the fundamental economic factors from which it derives.

A FORTNIGHT ago, Federal District Judge McCormick of Southern California handed down a decision cancelling the Doheny oil leases on the ground that fraud entered into their making. He ruled that President Harding had no right to transfer control of the oil lands from the Navy to the Department of the Interior, and that the secrecy surrounding the transaction resulted solely from the desire not to let Congress know what was going on. Now comes Federal District Judge Kennedy of Wyoming with a decision upholding the validity of the Teapot Dome leases to the Harry F. Sinclair interests. Judge Kennedy believes that President Harding acted legally and properly in transferring the oil lands; that the secrecy was desirable in the Navy's interest; and that the leases were a good stroke of business from the government's point of view. He admits that there was an aroma of suspicion around the Continental Trading Company operation, but he holds that no such indisputable evidence of wrongdoing was presented to the court as would justify a finding of fraud.

THE Doheny and Sinclair decisions will both be appealed and carried through to the Supreme Court; and this is as it should be. While the circumstances surrounding Sinclair's financial relations with Fall are on a different footing from those of Doheny's famous $100,000 "loan," even Judge

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Kennedy points out elements in the transaction which are still unexplained and need explaining. It is to be hoped that they may be cleared up in the course of the pending trial in the District of Columbia for conspiracy to defraud the government. On the other points involved, Judges McCormick and Kennedy from practically identical evidence have drawn opposite conclusions. The public mind will not be satisfied until the highest court has decided which judge is in the right. For that matter, we believe we are safe in saying that no amount of judicial whitewash will ever convince the American people that the episode of the oil leases is not one of the most sordid and humiliating in our entire national history.

THE League of Nations conference on the traffic in arms has attained a considerably larger measure of success than seemed possible when it opened. In large areas, described as "backward regions," the importation of arms is entirely prohibited; and publicity provisions have been adopted which will throw light on all international transactions of magnitude involving any of the chief present weapons. The use of poison gas and bacteria is also made illegal. There is good reason to believe that most of these declarations will be ratified by at least a majority of the powers represented in the conference. Needless to say, these agreements have nothing to do with the abolition, or even the discouraging, of war between any two important powers. They will act to the disadvantage of revolutionists, and to a considerable degree they will help the white Europeans to keep in subjection the African and Oriental peoples whom they now control. It is also desirable to retain a healthy degree of scepticism as to the ultimate efficiency of the rule against poison gas. Self-preservation will remain the first law of nations; if the need is desperate and the use of gas seems likely to turn the scale, gas will be used.

AT THE same time, every international declaration of this sort helps to build up world public opinion against the practices which are banned; and thereby brings somewhat nearer the day when their abolition may be hoped for. It may of course be argued that by shutting off arms from the subject races we are denying to them their sacred right to rise, if they can, and throw off the yoke of the oppressor as the United States did in 1776. To this the realist must reply, first, that the chief European powers already possess and exercise a blockade which prevents most of the subject nationalities from securing enough arms to make an effective rebellion; and second, that the best hope of these and all oppressed races in the long run lies not in the appeal to force but in the exercise of economic pressure to make continued occupation unprofitable; and through the development of world public opinion in opposition to imperialistic enterprises.

IN THE death last week of C. R. Das the cause of Indian nationalism has suffered a grave loss. Das, a man with a brilliant, legally-trained mind, was the directing head of the practical efforts of the Indians to obtain an immediately increased degree of participation in their own government. His efforts were sufficiently successful to cause Gandhi, on being released from prison, to go over to the Das policy rather than continue to rely solely upon noncoöperation. In comparison to the picturesque and saintly ascetic, Das seemed decidedly a man of affairs; though placed alongside even the most unworldly of American political leaders he would have appeared almost fantastically visionary and self-sacrificing. The struggle for freedom in India will of course go on; but his leadership will be sorely missed.

WHILE the American Civil Liberties Union appeals for $10,000 for the defense of Scopes in the evolution proceedings at Dayton, Tennessee, various rumors have transpired that give the trial more than ever the character of opéra bouffe. For several weeks the story has been floating about that Dayton is really employing Mr. Bryan in his well-known capacity as a real estate promoter, that the trial is to be held on the fair-grounds and that a heavyweight championship crowd is expected. Heretofore the story has lacked authenticity. But now there comes forward one Nick Gibson, a publicity man of Chattanooga, asserting that the whole idea of the Scopes trial was his invention as a scheme for promoting the town in which the trial is held, and showing the checks of a Dayton committee to prove his charge.

SIMULTANEOUSLY two prominent attorneys of Chattanooga have drafted a resolution, which they will present to the state bar association for adoption, calling on the chief justice of the state to appoint another judge to sit at the Scopes trial on the ground that the Dayton judge has permitted irregularities in the indictment, presumably in the interest of a Dayton trial. If these stories are true, Tennessee is a far more progressive state than anyone has lately supposed. The assumption of a picturesque delinquency is the most recent thing in publicity engineering. Perhaps even the evolution law itself was a publicity stunt. But then, perhaps these later manœuvres are compensatory, an attempt to undo by the brisk exploitation of public interest the unfavorable publicity of the law. One recalls the gentleman in Erewhon who defended himself from a charge of pulmonary tuberculosis by the plea that he was simulating the disease to defraud an insurance company.

DAMAGING to union prestige and destructive of moral unity as is the quarrel in the International Ladies' Garment Workers between the New York Joint Board and the Communist officers of certain

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locals, there seems to be no honest way of avoiding it. Friends of labor are inclined to advise factions separated by social theory to agree to disagree in philosophy and unite in practice on the best interests of the union in the existing situation. In the case of the Communists, however, the conflict of philosophies necessarily leads to a crucial disagreement about policy. The Communists violently oppose constructive measures recently adopted in this and other unions, such as unemployment insurance and regularization of the industry by agreement. They agitate by fair means and foul against any who favor such measures. However much the tactics recently developed by the more progressive unions may appeal to an open mind, there is no way to recommend them to the closed mind of the Communist, which judges everything by the accepted dogma of class warfare and an approach of catastrophic revolution. Everything which does not obviously point in that direction is condemned as "class collaboration" and is outlawed by the economic-religious authorities of Moscow.

CONTROVERSY about policy with the Communists therefore is difficult to carry on in terms of reason, but tends to descend to a brute struggle for control. Like all bigoted believers in a system of absolutes, the Communists will sacrifice any interest for the sake of their ultimate end, believe that the end justifies the means, and are willing to ruin if they cannot rule. They expect to be vindicated by the "inevitable" dénouement—a sort of industrial judgment day, in which they will be found sitting on the right hand of an economically deterministic God. The unfortunate result is that their opponents are thus tempted into abandoning discussion and turning to methods distasteful to any liberal mind. One does not like to read that the superior officers of a great and progressive union are holding "trials" of duly elected inferiors, or that they have called in police protection. Thus is illustrated a dilemma which faces liberals today in many fundamental controversies. It is easy to appeal to reason and to trust in the ultimate beneficence of democracy so long as one's opponents accept reasonable criteria of judgment. But when their actions and conclusions rest on some sacred principle outside the universe of discourse, what is to be done? To appeal to force is to accept the standards of the anti-liberals; to fail to do so involves a heavy risk of the extinction of liberal measures. In such a situation the only ultimate hope appears to rest in conversion of the absolutists to a more fruitful state of mind. Perhaps experience in power will prove to be their sole teacher.

WARREN S. STONE of the Locomotive Engineers was a type of labor leader peculiar to this country. A forceful personality, unyielding when the interests of his constituents were concerned, he was at once conservative in tactics and progressive in strategy. He did not run true to the European form of radical, quarreling with existing society at every point of contact. He did not conceive of labor as a disinherited proletariat, which will come into its own only in some future Utopia. He thought of wage-earners as essential components of present society who by intelligently and powerfully pursuing their interests can secure them here and now. Yet he was not a shallow-visioned man, and did not fail to see that the progress of labor demands revolutionary, if gradual, changes in the organization of capitalism. He built up a powerful administrative machine, supported by a solid and well-disciplined organization. Through this agency he took daring steps into realms hitherto occupied solely by employers and capitalists, foreseeing that only by a long series of such practical changes could the necessary revolution be consummated. If he had a fault, it was that he did not sufficiently appreciate the dangers and obligations of such an exposed position. It takes a far wiser, stronger man to make a successful revolution in the work-a-day world than to preach an imaginary one.

AN AMERICAN military officer, returning from Haiti last week, announced that things are going well there, but that there is no likelihood that the American marines will be withdrawn for a long time to come. His statement serves to call attention once more to the peculiar political situation now existing on the island. In 1918, it will be remembered, a new constitution was "adopted" under the strongest sort of pressure from the Americans. It provided that the Haitian National Assembly should be restored, and that this assembly should elect a president. Temporarily, however, no assembly was to be elected; its place was taken by a council of state. The assembly was to be chosen in an election in an even-numbered year, and the president was to announce the advent of this election at least three months in advance.

OUR readers will perhaps not be surprised to learn that from 1918 to the present, no election of an assembly has ever been held. Governmental functions continue to be exercised by the president and his council of state which he can at any time dismiss overnight if, by an unlikely miracle, it should take some action unsatisfactory to him. Elections in Haiti are held in January; and if one is to take place in the next even-numbered year, 1926, the call for it must be issued not later than October, 1925. The United States has from the first asserted that our occupation of Haiti has been solely in the interest of the native population. If this is true, and if affairs are going as harmoniously as they are said to be, we can imagine no reason why the 1918 constitution should not be put into force and a national assembly elected. Even though the marines are to stay in Haiti "a long time" they are presumably not to stay there forever. The sooner

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the Haitians begin, under the beneficent influence of our paternalistic bayonets, to practice the self-government to which we have agreed to restore them, the better for all concerned.

THE cold spring was kind to the wheat farmers by blasting a considerable percentage of the winter wheat crop. As a result of the high prices of last year, spring wheat acreage had been considerably increased. If European crops were better than last year, or even as good, and normal growing conditions had obtained in this country, the natural result would have been a further drastic break in prices after the mid-winter slump. But kindly and unseasonable weather lowered the winter wheat yield per acre so that the June 1 condition is worse than for any year as far as records go—back to 1890. The result will be a combined winter and spring crop small enough so that the danger of a price slump is considerably lessened. Even so, the estimate for the total crop is 661,000,000 bushels against 628,000,000 for 1924. The irony of the farmers' situation in a world of unlimited competition in their products and limited competition in industrial products is thus again made clear. The farmers are dependent on the caprices of the weather to maintain any just relationship between demand for and supply of wheat they have for sale.

ONE hopeful sign of aggressive policy under the new administration of the A. F. of L. is the improvement in the American Federationist, the official organ of the national body. Formerly this journal showed little sign of intelligent editing. It was over-burdened with stereotyped official opinions, and its other articles, while occasionally of interest, did not maintain a high standard. It was far from reflecting the activities and scope of the labor movement. The June number, however, shows real vitality. Simply written and brief editorials by President Green comment on important issues such as the Child Labor Amendment, the movement for stock ownership among employes, the general organization campaign now being conducted under the auspices of the Federation, the World Court, and the professional patriots. An article by James O'Connell of the metal trades admirably summarizes the recent report of the Children's Bureau on the relation between low wages and infant mortality. Ethel M. Smith of the Federal Employes, Mary Anderson, and Theresa Wolfson all discuss the problems of women in and out of the unions. Waste in industry, recent legal decisions affecting labor, workers' education, the international labor movement, an intelligent report of the last meeting of the A. F. of L.'s Executive Council, an article on the plight of the textile industry by Thomas F. MacMahon of the textile workers—such subjects reveal an alert interest in current developments of importance. We shall be surprised if the Federationist does not increase in circulation and influence under this editing.

THAT birth control has become almost universal among the middle and upper classes both as a practice and as a social theory, no one can doubt. The vital statistics of every civilized nation bear witness to the triumph of this reform which has made its way even in the face of the most determined opposition of many patriots, and one powerful, not to say universal, church. While the bishops have thundered their anathemas the laity of every denomination have gone quietly ahead with a practice which they have believed to be a means of social amelioration second in importance to no other reform of modern times. In the end the churches will have to accept birth control simply because it will be impossible to induce the people to give it up so long as this civilization continues. The conversion of the Bishop of Birmingham, one of the highest authorities of the Church of England, presages a general move in this direction. The Bishop has spoken only for himself and was repudiated by another churchman speaking from the same pulpit to the same audience, the Royal Institute of Public Health. But the fact remains that an Anglican bishop has taken note that "human welfare is menaced by human fecundity," and that without birth control "vast masses are deprived of the uncramped freedom necessary for healthy existence." These are not precisely new ideas. But coming from a bishop they represent an important discovery.

SIGNS of the approaching battle between Republican and Democratic tax tinkerers leave us cool. It is estimated that a surplus of about $375,000,000 will be at hand when the next Congress opens. Senator Reed Smoot wants to utilize it to lower surtaxes so that the maximum will be not more than 25 percent. Representative John N. Garner, for the Democrats, wants to use it to eliminate taxes on incomes up to $5,000, and then to favor the big fellows if there is anything left. Nobody of influence, apparently, has thought of utilizing the surplus other than to lower taxes for somebody now. Yet the wisest course, we think, would be to keep taxes substantially as they are for a while and devote surpluses to a more rapid paying off of the war debt. This would put as large funds in circulation for private investment as would any conceivable tax reduction. It would lower future tax burdens. It would utilize a period of comparative calm and prosperity to lessen national obligations and prepare the treasury for any future necessity of borrowing. Perhaps it would not furnish as good a vote-catching slogan. But that would not deter a really strong, sagacious and public-spirited financier in the office of the Secretary of the Treasury from urging it.

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France Stands Pat

THE REPLY of the French government to the overtures of the German government for a guarantee of joint security between France and Germany, which would be underwritten by Great Britain, is conciliatory in language but it is irreconcilable in substance. The object of the German overture was the exchange of a guarantee of the security of France by Germany and Great Britain, for a guarantee of the security of Germany by France and Great Britain, the indirect result of which would have been to restore to Germany an independent and self-respecting legal status in European public law. The French note expresses gratification at the willingness of the German government to accept in perpetuity the arrangements defined in the Treaty of Versailles for the prevention of future war on the Rhine, and in this way to bring to an end the long struggle which France and Germany have waged for the strategic possession of that waterway. But M. Briand does not propose to give anything in exchange for this offer of friendship and reconciliation on the part of Germany. France begins the negotiation by refusing any concessions which would grant to the Germans a small supply of the same brand of security which she herself claims not only as a national right but as the justifiable major object of European public law. If the compact assumes the form which M. Briand indicates, the status of Germany will remain almost as exceptional, as precarious and as provocative of future instability as it is at the present time.

The New Republic pointed out some weeks ago that the German overture was really, if not ostensibly, an attempt to open up by negotiation the modification of Germany's status under the Treaty of Versailles, which is substantially that of an outlaw. Not only does the Treaty deprive the German people of any power of self-defense but it exposes them to military invasion if and when they fail to fulfill its requirements. It does not even set up an ostensibly impartial tribunal to decide whether, if the Treaty is not carried out, the violation is culpable and justifies the imposition of a penalty. The French government both expounded and administered the law under which it claimed the right to march an army into the Ruhr, and it was not deterred from exacting the penalty by opposition of the British and American representatives on the Reparations Commission. The French government has somewhat limited but it has refused to surrender the alleged right to repeat this offense. Such a situation is a manifest and an ominous threat to the independence and security of the German nation. Among the objects which the German government desired and hoped most to accomplish by the proposed compact was if not the abolition of the "sanctions" at least their future regulation. It hoped to subordinate the license which the French government now claims and possesses to invade Germany to the authority of an international court which would protect the German people from being exposed to all the dangers of war without being allowed to enjoy any of its possible advantages.

M. Briand's reply offers no encouragement to this attempt of Germany to build a new legal foundation for national security. He takes his stand on the Treaty of Versailles as the only possible basis of European peace. That Treaty authorizes the application to Germany under certain conditions of military sanctions; and France will not discuss the modification of these provisions in that or any other respect. The Treaty draws a frontier not only between France and Germany but between Poland and Germany, and this eastern frontier is, according to M. Briand, just as sacred and immutable as all the other parts of the Treaty. If the safety of these frontiers is menaced by military operations of any kind in the east of Europe, the dictates of the Treaty will be exposed to danger, and France must be free to march troops across Germany in order to protect her allies. The French government will not discuss any method of guaranteeing the Franco-German frontier which does not give corresponding insurance to the German-Polish frontier. The Treaty of Versailles stands or falls as a whole. France cannot consent to a proposal to re-insure some of its provisions which implies the right to raise future questions about some of its other clauses.

Obviously the stand-pat position which M. Briand has assumed is logically impregnable. It is impossible to isolate and stabilize the Franco-German frontier in a Europe whose other frontiers remain subject to the usual vicissitudes and question marks. A permanent peace between France and Germany would involve a permanent peace for the whole of Europe. Yet logical as the French reply to the German proposal is, it none the less seeks to submit Germany permanently to a disability which a self-respecting nation must necessarily refuse, and whose inviolability the British government cannot permanently underwrite. The Treaty of Versailles denies to Germany the right which sovereign nations have always exercised to use force for the purpose of self-protection and the cure of grievances. Germany, much against her will, solemnly reassents to the privation, but she asks in that event for international protection against military violation and for the establishment of some other legal procedure which may result in the satisfaction of grievances. The French reply in effect refuses both of these petitions. It offers Germany the benefit of arbitration treaties, but the major premise of the arbitration is to be the Treaty of Versailles, and, consequently, the discrimination against Germans which remains the formative principle of that document. So long as France dominates Europe Ger-

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many is to be deprived of the power of self-defense, exposed to legal invasion and denied the remedy of an appeal to any court of equity which shall have the authority to cure manifest inconsistencies and injustices in the written law.

There is a further aspect of the French note which deserves the special consideration of American pacifists. M. Briand insists that as part of the security compact Germany join the League of Nations, and that in joining she must not expect the special immunities from the operation of Article XVI of the Covenant which she has already claimed as a reasonable deduction from her military impotence. Germany, that is, must not only remain the possible future victim of military sanctions, but in the event of war between Poland and Russia, in which the League took the side of Poland, French armies would legally be marched across Germany, and German property and nationals might willy-nilly suffer from the operations of the contending armies. It seems to us that the Germans are fully justified in pressing their objection to this additional legal impairment of their independence and security. The Covenant of the League contemplates under certain conditions the carrying on of a legal war, and if any such war were declared Germany's geographical situation in the centre of Europe would expose her frontiers to violation. Yet she is so completely disarmed that she cannot adopt any effective measures to protect German interests and contribute her share of the possible cost even of a legal war. She is entitled, consequently, to special exemptions from responsibilities of this kind and to special protection for her involuntary and unavoidable neutrality.

There is one significant assumption which runs through the French note and which throws a great deal of light upon the French interpretation of what the League of Nations really is. It assumes that if Germany joins the League, as the French government desires, she will not enjoy in certain essential respects any more security or any better legal status than she now enjoys outside the League. The League is supposed to protect its members against the threat of military violation, but, according to the French idea, not only would it fail to protect Germany against a repetition of the invasion of the Ruhr, but it would under certain conditions render Germany legally more liable to invasion than she is at present. If Germany joined the League, subject to the condition which the French government insists on imposing, she would merely repeat her signature of the Treaty of Versailles and consent once again to the status of outlaw imposed on her by that document. And in that event the League of Nations would be designated unmistakably as France's instrument in perpetuating its authority and enforcing its provisions. Germany's membership in the League would merely confirm and increase her disabilities under the provisions of the Treaty.

The French reply to the German overture has in our opinion done nothing to improve the prospects of the restoration of Europe to law, order and peace. The British Cabinet may cherish the illusion that it provides the basis for a moral reconciliation between France and Germany, but if so, its members will have to guess again. Germany obviously has no sufficient reason to submit to the French terms. She may be forced finally to accept some partial amelioration of them, but in the long run the German nation will be satisfied with nothing less than one of two possible ways out of its existing predicament. Either Germany must be allowed to provide for her own defense and thus to become once again responsible for her own destiny, or else her conquerors must grant to her the protection of a body of public law which shall be equitably expounded and impartially administered. The Treaty of Versailles excludes the possibility of either of these alternatives. So long as the authority of that Treaty remains unimpaired, as France demands and Great Britain agrees, Europe will continue to drift helplessly towards another calamitous convulsion.

Blundering in Mexico

IT IS often said that the test of a gentleman is the way he behaves toward those weaker than, or inferior in station to, himself. The test of a nation, on the same basis, ought to be the attitude it displays toward smaller countries. Submitted to this test, the foreign policy of the United States in recent years by no means comes out with flying colors. In particular, our policy toward Mexico has been one which we should never dream of seeking to enforce against any of the major European powers.

Secretary Kellogg's recent outgiving as to the unsatisfactory action of the Calles government toward American property is generally recognized as a serious blunder. It was unwise for the United States to issue a public condemnation of objectionable acts, without giving any indication what they have been; it was a mistake to assert that the good faith of the Mexican government is on trial before the world when such is clearly not the case; and it was indiscreet, to say the least, to refer to rumors of another impending revolution, in a manner which by innuendo advises President Calles that he will need the aid of the United States to remain in power and that this aid may be withheld unless his general policies are satisfactory to Washington.

All impartial observers agree that up to the time of the Kellogg statement the relations between Mexico and her big northern neighbor were better than they had been at any time during the revolutionary era. On this point the Republican national platform of 1924 well said that

> our difficulties with Mexico have happily yielded to a most friendly adjustment. Mutual confidence has been restored and a pathway for that friendliness and

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> helpfulness which should exist between this government and the government of our neighboring republic has been marked. Agreements have been entered into for the determination by judicial commissions of the claims of the citizens of each country against the respective governments. We can confidently look forward to more permanent and more stable relations with this republic that joins for so many miles our southern border.

Since that platform was written one of the most vexed problems, that of the American oil interests, has been solved, and drilling has been resumed on a large scale. In regard to the foreign debt of $700,000,000 a mutually satisfactory agreement has been worked out, though the Mexican government is not yet able to make the necessary payments under the plan. The Calles administration has undertaken most rigid measures of economy, despite the political difficulties which always accompany such an effort in a Latin country. In the meantime, the two Claims Commissions referred to in the Republican platform, one of which covers all American claims for damages during the past sixty years, and the other claims growing out of the revolutionary period, 1910 to 1920, have been organized and are at work. Nothing has been made public to indicate that their operations have been unsatisfactory.

Where the shoe pinches is undoubtedly in regard to the agrarian situation. A few words of historical explanation are necessary to understand what is going on.

From the time of the Spanish conquest, the Mexican peasants were accustomed to a system of village communal ownership and operation of agricultural land. Not until the reforms of Juarez, late in the nineteenth century, was this formally abolished. The late and unlamented President Diaz instituted a plan of requiring every land owner to show documentary evidence; and since many property rights were based merely on tradition running back for generations, he took vast amounts of land from the owners and gave them to favored, aristocratic friends of his own. In 1915, under Carranza, the present land law was passed, restoring in some degree the ancient communal system. It provided that any village, by petition, could be awarded land to the extent of twelve and a half acres for each male over eighteen, or the head of a family. The allowance was somewhat larger if the land were of poor quality, somewhat smaller if it were near the railroad or a city. The owners of land thus taken were to be paid in government bonds, at a price 10 percent above the assessed valuation.

Carranza failed to put this law into effect, which contributed to his downfall. Under Obregon and Calles large transfers have been made under it. Mexico is of course a federation like the United States; and the commonwealths have taken individual action. In some cases the taking over of the land has gone fairly well, but in most it has admittedly gone badly. Neither the states nor the federal government have funds available with which to back up bonds given in payment. Land owners have good grounds for fearing that they will not be paid for many years, perhaps never. In some places more land has been taken than was needed, or those who have taken it lack tools, equipment, and agricultural knowledge with which to make use of it. Oftentimes large irrigation projects are necessary to bring land into use, and the peasants, poverty-stricken, illiterate, unambitious and from our point of view shockingly lazy, are of course unable to attempt any such thing. The threat of expropriation is sometimes used as a sort of blackmail. On the other side it must be remembered that the hacendados, the great estate owners, have often in the past held their peons in virtual slavery, through the familiar device of keeping them in debt. On these huge estates—some of them a million acres or more—a standard wage until recently was 22 cents a day plus five quarts of corn and a weekly three and a half quarts of beans. As in our own South before the Civil War, the relation between master and men has sometimes been beneficent, sometimes brutal to the last degree.

Of the total number of estates which have been or are likely to be confiscated, only an insignificant percentage belong to Americans. It would be as absurd as it would be impossible for us to seek to have the general agrarian law revoked. No Mexican government would survive which attempted such a thing. It is equally absurd for us to expect the Calles administration to exert an authority over the states which it possesses neither in theory nor fact. And if realities are to be faced, we must admit that the present régime is not now in a position to reimburse Americans whose lands are included in those which are being taken over.

In short, here is a situation which demands the exercise of vast patience based upon a recognition of the well-known characteristics of the Latin temperament. You can go a long way with a Mexican by persuasion, by courtesy, by recognition of his point of view. But he cannot be bullied into action, least of all if the bullying is done by a Yankee. The result of the Kellogg note has been instantly to rally behind Calles even those elements least friendly to him—always excepting the hacendados, who never let patriotism interfere with business. Indeed, throughout all Central and South America the gesture of our Secretary of State is likely to have consequences undesirable from our point of view. Mr. Kellogg may, of course, plead inexperience. It is not unlikely that he has had the shock of his life through discovering that one country cannot speak to another in the gruff terms of a lawyer sending a dunning letter on behalf of a client, and most of all when the first country is big and strong and the second small and weak. It is regrettable, certainly, that Mexico is not able to pay what she owes, promptly and in full; but it would be still more regrettable if the two countries blundered into

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strained relations—or worse—because our State Department failed to look at the situation in the light of common sense.

The Gitlow Case

ATTORNEY GENERAL PALMER, in laying a large quantity of revolutionary material before a committee of Congressmen warned them, "It is not good reading late at night when you are at home in your own house. It gives you the creeps a little." No one need fear similar terrors from the Left Wing Manifesto, for publishing which Benjamin Gitlow's conviction has just been sustained by the Supreme Court. After twenty pages of somniferous type telling the recent history of the world, it reaches its first incendiary passage, "Strikes are developing which verge on revolutionary action, and in which the suggestion of proletarian dictatorship is apparent, the strike-workers trying to usurp functions of municipal government as in Seattle and Winnipeg. The mass struggle of the proletariat is coming into being." And then fourteen pages more about destroying the bourgeois parliamentary state, with repeated exhortations to "mass strikes," "mass action," "expropriation of the bourgeoisie," and establishing "the dictatorship of the proletariat," until at last it winds up by prophesying "a revolutionary struggle against Capitalism" that may last for tens of years before "the final act of conquest of power."

Any agitator who read these thirty-four pages to a mob would not stir them to violence, except possibly against himself. This Manifesto would disperse them faster than the Riot Act. It is best described by recalling the Mouse in Alice in Wonderland reading about the Norman Conquest to dry off the Dodo and the Lory. "'Ahem,' said the Mouse with an important air, 'are you all ready? This is the driest thing I know.'"

It is one more illustration of the irony of suppression that the numerous judges who considered the fugitive publication of this dull document in its entirety so objectionable that it merited five years in the penitentiary, have thoughtfully winnowed out all the extremist passages and reprinted them in their opinions, so that they are permanently accessible to incipient revolutionists in brief and readable form at any lawyer's office.

Just six years ago the Left Wing broke away from the Socialist Party with this Manifesto, printed in the Revolutionary Age, of which Gitlow was business manager. The Lusk Committee (which has itself published the Manifesto in full at page 706 of its Report) had Gitlow and others prosecuted for publishing it. A New York statute enacted in 1902 after McKinley's assassination and a dead-letter ever since was revived for this purpose. This statute punished any advocacy of criminal anarchy, which was defined as:

> the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by unlawful means.

Gitlow was convicted in January, 1920, and sentenced to hard labor from five to ten years, of which he has served almost three. His conviction has been upheld by the Appellate Division (195 N. Y. Appellate Division Reports 790), by the Court of Appeals, Pound and Cardozo dissenting (234 New York Reports 132), and by the Supreme Court of the United States, Holmes and Brandeis dissenting.

In the United States Supreme Court the only question was the constitutionality of the Criminal Anarchy Act. Unlike the other famous free speech decisions, the case did not come up under the First Amendment, which restricts only Congress, but under the Fourteenth, ". . . Nor shall any State deprive any person of . . . liberty . . . without due process of law," that is, by arbitrary and unreasonable legislation. In several cases the Court had carefully refrained from deciding whether "liberty" protects liberty of speech as well as liberty of the person and of contracts, but the recent holding that liberty to teach a foreign language in private schools was within the Fourteenth Amendment naturally led the way to the unanimous statement of the Court in the Gitlow case that "we may and do assume that freedom of speech and of the press . . . are among the fundamental personal rights and 'liberties' protected . . . from impairment by the States."

The majority of the Court, however, held through Mr. Justice Sanford, that this statute did not wrongfully impair Gitlow's liberty of speech. The state courts had expressly repudiated the test laid down by the Supreme Court in a leading Espionage Act case that words were punishable only when their nature and the surrounding circumstances created "a clear and present danger" of wrongful acts, and there was no evidence of such danger in this case. Consequently Gitlow's counsel contended that he had been punished merely for doctrines and words because of their supposed bad tendency to result at a remote time in acts. This bad-tendency test is an English eighteenth century doctrine, wholly at variance with any true freedom of discussion because it permits the government to go outside its proper field of acts, present or probable, into the field of ideas, and to condemn them by the judgment of a judge or jury, who, human nature being what it is, consider a doctrine they dislike as so liable to cause harm some day that it had better be nipped in the bud. The danger test on the other hand, leaves the doctrine to be proved or disproved by argument and the course of events. It avoids the risk of suppressing disagreeable truths, so long as there is no immediate risk of unlawful acts.

Justice Sanford virtually adopts the bad-tendency test. The words "tend" and "tending" are as frequent in his opinion as in an English charge during

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the prosecution of a reformer in the French Revolutionary Wars. As for the "clear and present danger" test, he declares that it merely served to decide how far the Espionage Act, which dealt primarily with acts, should be interpreted to extend to words. He rejects it altogether as a test of the constitutionality of a statute expressly directed against words of incitement which the legislature considers dangerous. Thus words may be punished for their bad nature regardless of the Court's opinion that there is no danger of bad acts. The injudicious choice of language becomes a crime.

> A single revolutionary spark may kindle a fire that, smouldering for a time, may burst into sweeping and destructive conflagration. It cannot be said that the State is acting arbitrarily . . . when . . . it seeks to extinguish the spark without waiting until it has enkindled the flame or blazed into the conflagration.

The trouble is that in extinguishing the spark we cause much damage that might be avoided if the spark were left to go out by itself. There is no better way to increase discontent than to impose severe sentences for acts which the accused and his friends do not consider criminal at all.

Justice Holmes's brief dissent stands by the danger test, which cannot apply to suppress this Manifesto concerned with an uprising in some vague future. To the majority view that it is punishable for the bad nature of the words, he replies:

> It is said that this manifesto was more than a theory, that it was an incitement. Every idea is an incitement. It offers itself for belief and if believed it is acted on unless some other belief outweighs it or some failure of energy stifles the movement at its birth. The only difference between the expression of an opinion and an incitement in the narrower sense is the speaker's enthusiasm for the result. Eloquence may set fire to reason. But whatever may be thought of the redundant discourse before us it had no chance of starting a present conflagration.

A profit and loss account of the Gitlow case shows one new gain, the possibility of federal protection against state suppression. A more liberal Court may prevent a checker-board nation, with ultra-conservative states into which moderately radical Americans come at peril of imprisonment for sedition. Not much can be hoped today. Such extreme laws as the Tennessee evolution statute may be invalidated, but the intolerance of the California Syndicalism Act will not be checked by Mr. Justice Sanford. State freedom must be secured through state legislatures and state governors like Alfred E. Smith, who pardoned Gitlow's associates and stopped further Anarchy Act prosecutions.

The losses are much clearer. Without the danger test, freedom of speech means little more than the right to say what a considerable number of citizens regard as sound, which consequently is not likely to be prosecuted. For novel and unpopular ideas, where alone it is really needed, it seems no longer to exist as a legal right.

We have also lost vision and courage. The Left Wing Manifesto is a tepid hash of the Communist Manifesto of Marx and Engels, which has been the program of influential Parliamentary groups in every Continental country for over half a century. The terror which these dull and rusty phrases has caused our prosecutors and judges would render them the laughing-stock of European Conservatives. The real danger in this country is not a conflagration but dry-rot, "the slow smokeless burning of decay." The ballot-box is not likely to be overthrown by force, but if non-voting goes on increasing, it may become as meaningless as the electoral college. The clash of ideas is to be welcomed, not feared, even if it occasionally involves the intemperate exhortations of a Manifesto. We may wisely ponder the comment of Junius, after the English sedition prosecutions, "The mass of the people is inert. The country has lost its passions."

The victories of liberty of speech must be won in the mind before they are won in the courts. In that battle-field of reason we possess new and powerful weapons, the dissenting opinions of Justices Holmes and Brandeis. Out of this long series of legal defeats has come a group of arguments for toleration that may fitly stand beside the Areopagitica and Mill's Liberty. The majority opinions determined the cases, but these dissenting opinions will determine the minds of the future.

Far Eastern Realities

THE Chinese situation has become less dangerous but much more serious. The strike in Shanghai has officially ended, and direct attacks on foreigners have abated, but the Chinese are now making demands as a nation that affect the rest of us as nations rather than as a few thousand foreigners living on Chinese soil. We have reached the point where such insincere evasions as characterized the Washington Conference will be of no avail. The time is no longer for the declaration of empty generalities meaning nothing and intended to mean nothing.

Western ascendancy, which was based only on China's unquestioning assumption of our capacity to administer chastisement for disobedience, is challenged, if not gone. The moral of the last three weeks will not be lost on the Chinese. They have seen that what we refused to discuss with them when they appealed to our reason we now are open-minded about when they have resorted to force. Up to three weeks ago the Chinese asked in vain for the right to raise their tariff, to vote in the municipal elections in Shanghai, to have a little more voice in the administration of justice to Chinese in

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Shanghai. Today, after they have frightened foreigners with a demonstration of violence, our diplomats give assurance of willingness to negotiate on much more sweeping demands than extremists would have dared to make before. Having seen that force is the only argument that white Powers understand and having proved to themselves that they can exercise force successfully, the Chinese may accept half-measures now, but they will repeat their demonstrations in force later, and each time their demands will be more extreme. If the Chinese are ever again to accept our domination as they have for almost a hundred years, we must reimpose it now, and swiftly.

For the foreign Powers, including America, there is, then, a definite decision to be made. They must fight, or they must yield all or nearly all of what China demands. That is, they must yield up all or nearly all of their special privileges in China. They must set a definite date upon which tariff autonomy is restored to China and after which no foreign Power shall have any voice in determining what import taxes China imposes. Foreigners resident in China or doing business in China must pay taxes to the Chinese government at a rate to be determined by mutual agreement. The right of extra-territoriality for foreigners must be modified immediately and a definite date set for its complete abrogation. In all foreign concessions Chinese must be given a share immediately in local government and a date set upon which the concessions revert to Chinese sovereignty and control.

The loss that this will entail on foreigners living in China and having investments in China is not to be minimized. Without the protection of their own courts foreign business will have only the most precarious security. It may have none at all and be forced to clear out. This is a bad time for experiments in China; it may be no exaggeration to say that not since the fall of the Ming dynasty nearly three hundred years ago has government been at so low an ebb. The Chinese themselves will suffer from the withdrawal of the asylums of security that foreign concessions offer: there alone is Chinese life and property really safe now. To extend the sway of Chinese authority at this time is inevitably to extend the area of corruption and misgovernment and damage to material interests.

The loss to Chinese is regrettable. The loss to foreigners is no more than their deserts. It is their governments which have made compromise impossible. Never since Western governments first had relations with China have they shown any disposition to deal justly with China or be even decently honorable. They sent their delegates to Washington in 1921 with professions of noble aims and showed by their acts they had not the smallest intention of changing anything. Under all the fine verbal flourishes of the treaties then drawn up there was not one concession of importance. China was still left tied, a victim for plunder. As for the representatives of the foreign nations in China, since the first white men set foot on Chinese soil the overwhelming majority of them have behaved as bullies and barbarians. They have not only exploited and cheated, they have heaped on the Chinese people as individuals the bitterest of humiliations. The wonder is not that the Chinese have at last rebelled, but that they have not long before arisen in mob frenzy and exterminated every living Caucasian, despite the navies of great Powers. Any race less tolerant and naturally peaceful than the Chinese would have done so.

Their patience has had small reward. We have proved to them that they will get justice from us only if they exact it by force. We have proved to them that it is useless to be reasonable. Had we shown any disposition to make concessions gradually, any intention really to relinquish our position of conquerors, there might have been a possibility of a settlement in slow stages whereby our interests would have been protected. But we haven't. We have condemned the issue to arbitrament by force.

It is now too late for effective compromise. We must yield or fight. We may postpone the choice for a little while, but not for long. It is true that Great Britain, France, Japan and the United States could join in an expedition of 200,000 men or more and temporarily subdue the inhabitants of the coast cities and even occupy Peking. And they could stay there for five years, for ten years, forever. One hundred miles away the Chinese would scarcely know they were there. Effectively to conquer that vast stretch of half a continent with 400,000,000 people is beyond the military resources of all the other countries in the world. And the Chinese know it. And so should every moderately intelligent cabinet minister in Europe and the United States.

The times have changed. The White Man's Burden refuses to be carried any longer at an exorbitant charge for freight. We can face that as a world fact, applying now to China and now to some other subject nation, and accept it or commit the monstrous, suicidal folly of trying to go back fifty years. The Chinese are about to compel us to a choice.

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Robert M. LaFollette

FEW men of his generation have been so loved. No man of his generation has been more hated. If this is a paradox, it is one with a simple solution. He was loved by those who knew him best. He was hated, first by those who through his efforts had been thwarted in their own plans, and second and in lesser degree by a multitude of others who had never seen him and had a false impression of what he meant and stood for. This false impression came partly from the misrepresentation spread by his enemies, and partly from the fact that his own writings and his speeches when read, failed somehow to tell the whole story, to give a complete picture of himself. Most men, when they write, do themselves more than justice; but this one seemed unable to convey on paper anything like the sum total of the truth about his character. The vigor was there; the sturdiness and the fighting quality were there; but the warm heart, the essential good-will toward humankind which was so evident when you saw him face to face failed to survive translation into printed words.

The reason was, I think—though his enemies would ridicule the suggestion—an innate shyness which prevented his capitalizing deliberately the warmth which shone unconsciously out of him for every observer who ever saw him unblinded by prejudice. Even to the end of his forty-four years of public success he could not be sure that people would ever be persuaded to any course of action just by Robert M. LaFollette. Therefore he sought to marshall in support of every proposition an enormous, a shattering array of facts which would be sure to break down the intellectual fortifications of his opponents. It is true that the record of his own career seemed to justify the policy he adopted. So long as he appeared on a stage small enough for the honesty and strength of one man to be successful, to turn the tide of events—in other words, while he worked in Wisconsin—his research, statistics, diagrams, graphs were associated with victory. To him it would have been heresy to suggest that quite possibly Robert M. LaFollette would have won, even without the statistics; that in the main a political leader is followed, first because his policies coincide with the self-interest of the group to which he appeals, and second because he is liked.

All his life it seemed to him that truth really is mighty, and actually will prevail. For more than two score years he went on explaining things to people who, he continued to hope, would act for the best once they knew all the circumstances. Under his tutelage was developed "the Wisconsin idea" which unlocked for the people the treasure-house of knowledge in the state university and set up to aid the state legislators a fact-finding organization which even today has hardly a peer in the country. Throughout his life there clung to him this aroma of research. One never saw him that he did not seem to have come straight from hours or days of digging for the truth—as, more often than not, he had. In his Washington office, when the short, stocky figure leaned back in the swivel chair, the bristling gray pompadour was usually not more than a few inches from a row of census reports, or bound volumes containing the findings of some technical commission, or a big diagram dealing with fundamental economic facts, perhaps prepared for one of his exhaustive, exhausting speeches on the Senate floor. From the beginning of his career he had dealt in facts—the raw material of truth—in this same way. As Professor John R. Commons has pointed out, Wisconsin twenty years ago acquired from its leader the habit of wanting and getting real information. The speeches which to a spoiled New York or Philadelphia audience seemed so long and dry and statistical were heard not only patiently but eagerly on the shore of Lake Michigan. He taught his people to be carried away by no man's eloquence but to look for the reality behind the phrases.

This passion for fact was one of the two dominant strains in his character. The other was the deep-rooted conviction that all life is a battle, a battle between the forces of good and those of evil, and that no honest man can or should find happiness save in the thick of the fray. "Battling Bob" they called him, in recognition of this battering-ram tenacity which took success as an incident, defeat as an accident, and fought on. He was not, to be sure, one who felt that every opponent is an ipso facto scoundrel. He was fair enough to know that even honest men can differ; and sometimes private friendship was with him the obverse of the medal of public antagonism. But only sometimes; not when the issue was one involving genuine moral turpitude. Needless to say, not once in forty-four years was any such charge levelled, by any responsible person, against him. His enemies accused him of being wrong, short-sighted, unfair, demagogic. Dishonest, never. No man was ever more patently driven by his own sense of right and by nothing else.

What is it that makes any individual spend a lifetime in fighting injustice? What are the differences in their fundamental stuff which cause one man, confronted by a great wrong, to smile the plump smile of contented indifference and pass by on the other side, while another turns white with rage and vows "that if he ever has a chance to hit that thing he'll hit it hard"? The students of behavior tell us that these differences go deep into personality, far below the realm of conscious intellectual activity; that probably most of us even before adolescence have

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been marked to spend our lives on one side of the fence or the other. If this was true of LaFollette he at least showed few signs of being the typical, constitutional revolté, the inveterate maverick. He could see across the fence to the green grass. Unlike many other men who have sufficiently often been ag'in the government to receive, unjustified, the title of "radical," he knew how to work with and in an organization. Throughout his life he was always perfectly well aware that by giving up the fight, by going over to the enemy, he could have gratified certain ambitions—normal, human ambitions—to the hilt. He knew too that this would have meant the sacrifice of other things which he held dearer. "I could have made terms," he says in the Autobiography, "at any time during my years of struggle, and secured personal advancement, with ease and profit to myself. But I would have had to surrender the principles and abandon the issues for which I was contending, and this I would not do."

A list of those principles and issues in itself gives a significant picture of the mind of the man. Naturally, he progressed with the years; but never from first to last did the doctrines he advocated justify the falsehood circulated by his political opponents that he was a red revolutionary seeking to destroy our institutions. No one ever clung more firmly to old-fashioned American principles than he. Indeed, his fundamental philosophy might almost be said to go back to a period before the industrial revolution. At a time when the real radicals were saying that competition was an outworn philosophy, that monopolistic trusts must be allowed to get bigger and bigger and must then be taken over by the government, LaFollette perpetually insisted that no more was needed than a restoration of fair competition. Throughout his years of public life he never (despite the declaration of the 1924 platform) developed any real, personal interest in government ownership or operation of any public utility. He was as old-fashioned as the Fourth of July.

His first great fight in Wisconsin came because he thought railroads and other corporations ought to pay their fair share of state taxes—a notion which any radical would brush aside impatiently as being of no earthly importance. His next big struggle was for primary elections. For years he advocated limits on, and publicity for, campaign expenditures. He wanted equal suffrage. He wanted direct election of Senators. He wanted a Federal Trade Commission and a Department of Labor. He wanted sailors on American ships freed from their virtual slavery. These heresies of twenty-five years ago are respectable and accepted today. More recently he had wanted agriculture given an equal chance with manufacture. He had wanted conscription abolished and the power to declare war put in the hands of the whole people, exercised through referendum. He did not want the United States to go to war with Germany. He did not want our military forces used to protect foreign investments of our capitalists. He did not want the Supreme Court to continue, completely unhindered, to dictate the whole social and economic policy of the country through its power to declare legislation unconstitutional if that legislation happens to displease a majority of the members of the Court. Who shall say which of these ideas, rejected today as "wild radicalism" will not in twenty-five years more be embraced as casually as we now accept equal suffrage or the direct election of Senators?

His enemies have said that when he dramatized the conflict between the forces of good and evil, he invariably dramatized himself as the leader on the side of righteousness; that he found it easier to work with subordinates than equals; that he was insensitive to the mental processes of his opponents and blundered because of it. These things may in some measure have been true. Such faults are the natural complement of the positive characteristics which enable a man to carry on the sort of battle he did. These critics forget, I think, the struggle he had been through and the scars that struggle had left upon him as it would upon any man.

When he began, Wisconsin like other states in that era was a hotbed of political corruption. The railroads and other great corporations were in the habit of buying public officials as you would buy a pound of meat. Both corruptors and corrupted fought the young upstart by every means fair and foul—mostly foul—from the moment he appeared upon the scene. They went on fighting him, locally and nationally, until the day of his death. At first they sought to bribe him; and when they found this would not work they sought, sometimes successfully, to bribe his supporters. They lied about him by word of mouth; they bought newspapers in which to lie in print about him and the cause he favored. They had everything at their command—money, influence, brains and respectability. He had nothing, in the beginning, save his honesty, his character and intelligence, and the faith of the little group which believed in him. At the time of his death he had these same things still. The number of those who believed in him had of course greatly increased, but even yet it was only a pathetic minority of the American people.

The battle in which he spent his life still goes on, though many of the limited objectives for which he struggled have been won. For most people, of course, it will always be an enigma why such men as he exist; or, granting their existence, why they follow the course they do. The crowd is on the other side of the fence: and its philosophy has but a single rule: go where the green grass is, and stay there. Yet those who understood him knew that not life itself mattered so much to him as keeping faith; and will honor him no more for the achievements than for what those achievements cost.

BRUCE BLIVEN.

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What is Unfair Competition?

The Function and Performance of the Federal Trade Commission

WHEN people began to be concerned about the growth of great industrial combinations, neither lawyers nor economists knew in much detail what was really going on, nor exactly what it was desirable in the public interest to prevent. Politicians and writers used loosely such words as "trust," "monopoly," "restraint of trade." These words had the vaguest of meanings when applied to the specific practices of business, and, in so far as they meant anything, carried somewhat different meanings to the lawyer, the economist, and the public. Yet these were the phrases embodied in the Sherman Act and other anti-trust legislation. It remained for the courts to interpret them in individual cases.

The result, naturally, was not satisfactory to anyone. The courts habitually reason by analogy from precedent, and in this case the storehouse of precedent was chiefly the common law built up in a more primitive economic era. New and puzzling distinctions were necessary which frequently divided the Supreme Court itself. Was a given combination entered into for legitimate purposes of business enterprise and greater efficiency, or for the purpose of restraint of trade? If a combination with a "legitimate" motive involved incidental restraint of trade, what should be done about it? Some restraints of trade might be reasonable, others unreasonable—how should the line be drawn? And what about a combination attempting to restrain trade, but unsuccessful in the attempt? Such delicate questions had to be decided by judges not trained for the task, and without the time to specialize in the subject. If they tried to apply the letter of the law without considering their own judgments of what was good economic policy in the circumstances, they were likely to become involved in scholastic abstractions without much bearing on the objects Congress presumably had in mind. If, on the other hand, they were influenced by their personal economic views, they were accused of usurping legislative power. A group of business interests intent on greater economic dominion, when forbidden to achieve their end in one way, would promptly invent another. Those who wanted something done to the "trusts" were not pleased; and business itself was not pleased, because even the best lawyers could not advise it in advance what was lawful and what was unlawful.

I

Every party in the campaign of 1912, therefore, advocated revision of the anti-trust laws. Wilson's program, as expounded in his first message to Congress, was to write into the law definitions of exactly what was to be prevented. There was also to be a Trade Commission with purely investigating and advisory powers, whose expert knowledge would aid the prosecuting authorities, and thus the courts, in applying the law. Bills with this end in view were drafted, and one was passed by the House.

In the middle of the proceedings, however, certain advisers of the President persuaded him to shift his emphasis. It was felt that no array of specific definitions, however well drafted, could anticipate future needs. It would prevent some practices which ought, under certain circumstances, to be allowed, and it would fail to prevent other practices sure to be invented by skillful law-evaders, which the drafters could not foresee. A general provision into which meaning could be put in specific cases was essential, after all. Experience had shown, however, that the courts could not be relied upon for such interpretation. Therefore the originally incidental Trade Commission was elevated to the position of keystone in the plan. In addition to investigating, it was also to act in a quasi-judicial capacity as interpreter of the law. It was to call business to account and forbid it from engaging in practices which it believed unlawful. Consisting of experts with no other field of activity, and having a staff of economists and accountants as well as of lawyers, it would be better fitted for this task than the courts.

The act creating the Commission thus made unlawful only "unfair methods of competition," and directed the Commission to forbid business from using such methods only when it believed the prohibition would be in the public interest. The reason the general phrase took the shape of forbidding unfair competition rather than forbidding combination was that it was supposed to be preventive rather than curative. The framers had little faith in the attempt to dissolve combinations already formed or the punishment of economic crimes by jail sentences. But they believed that if unfair methods of competition could be prevented, monopolies or quasi-monopolies already existing could be curbed, and new combinations resting on any other basis than superior efficiency could be forestalled. By the restricting of proceedings to cases in which the Commission believed they were acting in the public interest, the obligation of working out a desirable economic policy was explicitly inserted in the law, and discretion was conferred on the Commission.

Those who drafted the law were not entirely successful in keeping the language general. The Clayton Act, passed by the same Congress, forbade in addition four specific practices and directed the Commission to prevent them. These were: price

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discriminations, "tying clauses" in contracts, and inter-corporate stock purchases, whenever the effect of such discrimination, clauses or purchases "may be to substantially lessen competition or tend to create a monopoly"—whatever that may mean. And interlocking directorates in corporations with capital and surplus of over $1,000,000, whenever the elimination of competition by agreement between them would constitute a violation of any of the anti-trust laws.

The Commission was also empowered to make general investigations of corporations, to require annual or special reports from them in answer to specific questions, to investigate the manner in which anti-trust decrees of the Courts are carried out, to make investigation of alleged violations of anti-trust laws upon the direction of the President or of either House of Congress, to investigate trade conditions abroad, etc.

How has the Commission carried out its task? No brief article could possibly answer the question. But I fear that no encyclopædia could outline any clear and consistent understanding of the "trust problem," developed under the Commission.

II

I turn first to an excellent study of the subject, The Federal Trade Commission,* by Gerard Henderson. While Mr. Henderson is in general a supporter of the plan of the Commission and believes that it has performed valuable services, he makes a number of carefully supported criticisms.

In the first place, final dispositions of cases are long delayed. The average time elapsed between the beginning of the proceedings and orders issued after trial or hearing, in 89 cases chosen at random, was 13 months and 1 day. For 31 cases dismissed after trial or hearing the average time was 17 months and 13 days. For 88 cases dismissed or discontinued without trial or hearing the average time was 23 months and 22 days. There is thus no advantage in speed gained by the substitution of an administrative body for the courts. And since the Commission cannot bring about punishment or restitution, but can merely order a stoppage of unlawful practices, it is not superior to the courts in administering justice. Its justification must therefore be sought in a more comprehensive and intelligent illumination of the problem than the courts can give. To look for this we must examine its decisions. It has been the custom to publish only the original complaints and the findings, but not the defense of the respondent or any summary of it. Not even the complaint or findings have been published when the complaint was not upheld by the Commission. The phrasing of the complaint and the findings themselves, moreover, is often that of a formal legal pleading, rather than a detailed narrative or description of the practices indulged in. The result is that it is difficult to judge exactly what was forbidden, what the circumstances were, and whether the decision was wise. Precedents of this kind cannot reveal much in the nature of policy, even if there was a policy underlying them. They cannot be very helpful as a guide to action. The fact that the Commission acts both as prosecutor and court, and that these two functions seem sometimes to become confused, leads to occasional unfairness to the respondent, and helps to account for the unsatisfactory nature of the findings.

Turning to the last annual report of the Commission, we see that in cases where respondents have appealed for review of orders to "cease and desist," 12 decisions in the lower courts have upheld the Commission and 28 have been against it. In the Supreme Court the score on appeals is 2 to 7 against the Commission. This does not necessarily indicate that the Commission has rendered a majority of unjustified decisions. Of 635 desist orders, only 89 have been appealed. And on those which have been appealed, the courts may be wrong. Other similar bodies, such as the Interstate Commerce Commission, at the beginning suffered at the hands of the courts. But it was to be an important duty of the Commission to educate the courts. Its findings of fact were to be conclusive, "if supported by testimony." Such a body is intended to discover, not merely the physical facts, but their meaning from an expert point of view. In deciding whether or not a bridge is unsafe, the Court must know not merely its composition, length and weight, but the technical bearing of such facts as they appear to a competent engineer. It must rely on expert knowledge. This is even more true in a complex subject like trade practices. Now, if the findings of fact presented to the Court are of the meagre and formal character previously described, the Court may easily decide that they are not "supported by testimony" or that the law does not apply. The Court is thus encouraged to pass over into the field reserved for the Commission. And the confidence of judges in the expertness and fairness of the Commission is weakened.

As a matter of fact, in several cases described in detail by Mr. Henderson, the Court appears to have considered the testimony more carefully, and to have rendered a more intelligible and consistent decision, than has the Commission. What is still more surprising, the Court seems to have been more concerned with questions of judgment as to good economic policy in the interest of the public, and the Commission more concerned with enforcing what they conceived to be the letter of the law.

III

A classification of the cases according to their nature shows that the greater part have been concerned with deceptive and dishonest practices which may injure the public, but are only indirectly if at all associated with the restraint of trade and the

* Yale University Press, 1924.

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growth of monopoly. The acts forbidden are more analogous to the practices barred under the pure food and drugs act. One of the recent cases, for instance—in which Commissioner Thompson has published his dissenting opinion—is that of a manufacturer of candles for ceremonial purposes of the Catholic church, which did not contain the prescribed amount of wax. Improper branding of imitation wool and silk products has occupied a great deal of attention. Other practices forbidden, taken at random from the annual report, are "Bribery of buyers or other employes of customers," "Making unduly large contributions of money to associations of customers," "Making false or disparaging statements respecting competitors' products," "False claims to patent, trade-mark or other rights or misrepresenting the scope thereof," "Tampering with and misadjusting machines sold by competitors for the purpose of discrediting them with the purchaser," "Passing off products, facilities, or business of one manufacturer or dealer for those of another," "Selling rebuilt machines of various purposes . . . as and for new products," "Harassing competition by requests not in good faith, for estimates on bills of goods, for catalogues, etc." Hardly any of these revealed a serious menace of monopoly.

Several comments are in order on this array of cases. No doubt it is a valuable service to prevent dishonesty and deception in business. In some instances it would seem, however, that it would be better for the injured party to seek a remedy in the courts, since often there is ample ground for an equity action, more prompt results can be secured in that way, and the victim may be awarded damages. All the Commission can do to protect him is, many months after the event, to enforce an order to "cease and desist." Secondly, it is a big job for a governmental body to attempt to scourge out of business every venial sin, and one wonders how any time is left for hammering out major policy.

The following is the story of the Commission's activities in 1924, as to the number of several kinds of charges considered:

False and misleading advertising	201
Misbranding	120
Misrepresentation	110
Passing off name and goods	60
Resale price maintenance	27
Combination or conspiracy in restraint of trade	19

It is easy to see where the Commission's attention goes.

IV

When it comes to the few important cases involving the restraint of trade, there is little but confusion and disagreement. Neither the Commission nor anyone else seems to have attempted to summarize the tendency of the decisions or to carry through a thread of consistent policy. In a field in which basic economic research and precise legal definition is a supreme need, the Commission has made but a small contribution. The idea of the majority is mainly to apply such precedents as the courts have already enunciated. The aim of the minority seems to be merely to enforce as much competition as it possibly can—even blind competition—on the basis of the old economic theory that the only alternative to a régime of complete competitive individualism is governmental paternalism, and that the latter is at all costs to be avoided. The Commission has made no investigations leading to an understanding of how trade associations can avoid economic waste by the publication of information regarding prices, supply, demand and costs, without extracting monopoly profits. Its decisions on price discrimination and the maintenance of retail prices are hardly satisfactory from the point of view of an interest in efficiency.

The combined result of lack of good draftsmanship in the law and lack of farsighted policy on the part of the Commission may be illustrated by an incident of the steel industry. The United States Steel Corporation controls about 50 percent of steel production. By virtue of its wide array of plants, its financial resources, and its marketing advantages, it contrives to minimize its costs and make a larger unit profit than its marginal competitors. Not long ago there was proposed a merger of well distributed independent plants, which, if effected, might have created a formidable rival of U. S. Steel. This might have intensified competition, and thus reduced prices to the consumer. It was to be consummated through inter-corporate stock purchases, which under the Clayton act the Commission can prevent. Acting on the letter of the law, and reasoning that the combination would reduce the number of competitors, the Commission took an unfavorable attitude. This influenced the bankers who were to supply the credit, and the merger fell through. A new merger, involving other plants which do not fit together so well, is now in process. Because its promotors have greater resources, and can buy physical assets rather than merely acquiring a controlling stock interest, the Commission has no legal authority to prevent it, and it is well on its way to success. There is no logic of public advantage in such a course of events.

V

Besides considering complaints, the Commission undertakes "trade submittals," in each of which a representative body of a given industry discusses and adopts a code of practices which it favors, submitting this code to the Commission in an advisory capacity. The Commission also undertakes large economic investigations at the behest of Congress or the President. And it regulates combinations for export trade under the Webb-Pomerene act.

No wonder the annual report of 1924 complains of an increasing inability to get through the work. Since its establishment in 1914 the Commission has had 8,661 requests for action from the public. It has dismissed 4,727 in summary review and docketed 3,671 as applications for complaints. In the

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fiscal year of 1924 it made economic investigation in the gasoline industry, the cotton trade, taxation and tax-exempt income, flour milling, the grain trade, the home furnishings trade, and helped the Coal Commission with the investigation of the anthracite industry. What array of supermen handles this job? Five Commissioners and 309 employes. Commissioners at $10,000 each, employes at an average salary of $2,562.78, lawyers at $3,697.22, economists at $3,425.00, accountants at $2,675.17.

It is unprofitable to inquire into failings of personnel when it is so obvious that an inadequate force is colliding with the immovable body of too large a task. That is enough to explain why, no matter what the capacity and zeal of individual commissioners, work is delayed, complaints and findings are not well phrased, decisions are reversed by the courts, mistakes are made, not enough attention is devoted to the main function for which the Commission was created. Most of the important work must be delegated to underpaid subordinates, few of whom have the training or the eminence to cope with basic problems. The time of the chief commissioners is so occupied with routine that they cannot speculate, deliberate and arrive at significant decisions of policy.

VI

Starting with a moral issue, we arrive, then, at an administrative problem. In spite of the highly valuable services of the Commission in the past it is not a sufficient remedy of the present trouble to elect Democrats to office—or in pique to abolish the Commission.

One school of thought uses this type of failure to urge a limiting of federal activity in favor of state or interstate action. But the task of the Federal Trade Commission is inherently of such a nature that it must be federally performed if at all.

Others imply that since such tasks have not been well enough done, they should not be attempted. But that is, to me, a counsel of despair. Anything as important as the study and regulation of private economic power must be attempted, if we are to have a representative government.

The official answer of the Commission is more money and more men. But that is a remedy only for quantitative difficulties, not for qualitative.

Mr. Henderson, in my opinion, comes nearer the mark when he suggests certain modifications of procedure tending to a more judicial attitude on the part of the Commission. He would have it issue more informal citations instead of formal orders, substitute more inquiries and stipulations for trials, and allow the complainant to assume the chief burden of prosecution. He would have the Commission take up fewer and more important cases, and draft findings more fully and carefully.

Perhaps a still more drastic reorganization, with a view to separation and limitation of functions to the stature of average human capacity, would be desirable. We might have a Commerce Court to try the cases and work out broad policy. We might have a separate bureau to act as prosecutor in behalf of the public, and delegate to this body the preliminary investigation, the making of stipulations in line with the Court's decisions, and the administration of stipulations and decisions arrived at. We might delegate to other arms of government, such as the Department of Commerce with its Census Bureau and its Division of Simplified Practice, the making of broad economic investigations not directed to discovering specific violations of law, and the negotiation of voluntary standards of ethics with trade associations. With the efficient operation of such improved machinery, we might eventually come to an understanding of what the anti-trust laws mean, and of what we want them to mean.

Meanwhile there is here a golden opportunity for scientific research in applied economics and in jurisprudence. The state of public opinion on business combination is more fluid than it has been for a generation. There is a rich array of facts to be put together. We need leadership, based on understanding. If the social sciences are to inform political agitation, they must in just such issues formulate new programs.

GEORGE SOULE.

Sonnets for Amy Lowell

I

It was vouchsafed me once or twice to share
Your memorable sessions with the few
Anointed, and to do as they would do,
Toying with lichee nuts and candied pear,
Until a strange intensity made us aware
Of the presence!—and a long thrill ran us through—
And we stood up—and it was vividly You
Saluting your uhlans from the head of the stair!

You talked as none had since the *Cheshire Cheese*
Rocked to the roaring Leviathan: every word
Shot and splintered sapphire, if you please,
And in the velvet havana's haze I heard
Occasional sentences as dark as trees
In a sunken forest where there was no bird.

II

The ravens of the valley will of course
Disturb your faults, according to their kind;
Peck at your candid eyes, pronounce you blind
And celebrate their subtleties perforce;
And the young eagles rallying to the source
Will sniff the speed that left them well behind
And launch their wings, contemptuously to find
Your Pegasus a star hitched to a horse!

Nor will you lack the solemn exercise
Of vestals and gregorian gentlemen
Plucking their harps and humming between sighs
The plaintive panegyric. . . . Until then
Permit me to recall your candid eyes
And what you said . . . and where it was . . . and when.

JOSEPH AUSLANDER.

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"Go East, Young German"

IN A RECENT article in the New Republic I outlined my impressions of the German view of western frontiers, their readiness to give a guarantee for French and Belgian frontiers and their general recognition of the fact that any challenge to French security involved them in precisely the same fatal complications with Britain which came eleven years ago on the invasion of Belgium. But one does not get any accurate appreciation of the German point of view by simple reference to western frontiers. Years ago a famous Frenchman advised his fellow countrymen to "forget Asia and concentrate on Africa." Today Germany seems willing to forget the west and concentrate on the east and south.

Broadly speaking, the Germans with whom I spoke—both officials and private citizens—viewed the German future in this fashion: "We have failed," they said, "in areas inhabited by non-German populations, and this failure extends to the German-speaking but French-sympathizing people of Alsace. For us the wise and the indicated policy in the future is to seek to liberate and protect the millions of Germans who today are outside of German frontiers."

Now, put into geographical terms, this German conception meant and means the recapture of Danzig, the suppression of the Corridor, and the acquisition of a portion of Upper Silesia. It also means the annexation of Austria and the acquisition of some form of authority to protect the 3,500,000 Germans within the frontiers of Czechoslovakia. It means besides, if one may judge by German comment upon a dispute with Rumania, which occurred while I was in Berlin, the acquisition of some power to protect the considerable German-speaking communities of Rumania.

As to the Polish problem, which is the most immediately acute, the German argues thus:

> Danzig is a German city—no one has ever denied it: the people desire to belong to the Reich—no one has ever questioned it. To deny the people of Danzig the right of self-determination is to deny the first principle alleged to underlie the recent European settlement.
>
> As to the Corridor, can you conceive of anything more preposterous than this arm thrust arbitrarily between German East Prussia and the rest of the Reich? It is true that a majority of the people of the Corridor are Slav, but they are not Polish. They are Ksoub; they never signified any desire to leave Germany, and a plebiscite would show them Germanophile. But see for yourself on the map the madness of partitioning Germany, and believe, as you must, that no German will ever accept such a situation as final.

Determined as they are in the matter of Danzig and of the Corridor, I confess to surprise in finding the frankness with which most Germans conceded that Posen was mainly Polish and that this part of the Paris settlement might stand. I do not think I exaggerate when I say that there is no real question of Posen. As to the limits of the Corridor, such information as I could gather suggested that the Germans regarded the line of the Netze as an approximate basis for settlement, with Bromberg and the Netze Canal within German frontiers.

In the matter of Upper Silesia, too, there was a disposition to moderate claims. Thus one of the highest of German officials told me with great frankness that Pless and Rybnik, counties which comprise the larger half of the territory ceded to Poland, were recognized to be Polish by choice, and left me to conclude that what Germany sought was mainly Kattowitz, Königshütte and one or two more towns in the central industrial area. But one must appreciate the fact that this apparent moderation would mean the retaking of practically all of the industrial plants and most of the coal deposits at present worked, although there are large reserves in Rybnik. I should add, too, that the German claim here is buttressed on the fact that these cities voted for German allegiance in the famous plebiscite, whereas the country districts "went" overwhelmingly Polish.

The German, with ill-concealed contempt, regards the Pole as an inferior, as an inefficient creature; he is satisfied that the Pole cannot run a machine or a government, or justly claim recognition as an equal. But he does betray something of the same sense of appreciation of his failure to absorb or reconcile the Poles that the Englishman displays in the case of the Irishman. He also believes that sooner or later Russia will come back and wipe out all the expanded frontiers of the Greater Poland created by the Treaty of Riga after the Polish victory over the Bolsheviks.

In discussing modifications of the eastern frontier, the Germans with whom I talked always carefully specified that they had no intention of employing force—always adding that they had no force to employ, that the Polish army exceeded their own in numbers and equipment. But they just as clearly left the impression that German force would not in the end be needed, that Russia would, sooner or later, settle for Poland.

Perhaps I might sum up my impression by saying that every German with whom I talked indicated unmistakably that for Germany the new Alsace-Lorraine was not the lost Reichsland but the mutilated eastern frontier, and that just as France—though forced to accept the loss of her provinces—

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would never make a voluntary acceptance of the fact of the Treaty of Frankfort, no German will ever dismiss the hope and the intention to regain Danzig and the Corridor.

The question of Austria, as contrasted with that of the Polish frontier, however, had an entirely different aspect. As to the latter, all Germans protested against a past wrong and disclosed a set purpose to undo that wrong, along with a certain belief that somehow Britain, whose sympathy in this respect the Germans believed they had completely, would aid. But the annexation of Austria was something different. It was the completion of unity, the restoration of the strength lost by the peace treaties; it was compensation for Alsace-Lorraine, Posen, for the lost colonies and the promise of restored greatness in Europe.

I gathered the impression that German hopes founded upon early Russian recovery and vast Muscovite markets had gone glimmering, that there were no more bright hopes of German prosperity based upon Russian markets and German power based upon a Russian alliance. Nor could I detect any evidence of any large dreams of expansion either along the Baltic or beyond the old Prussian frontiers of 1914. So far as the east and the Slav were concerned, the German seemed to desire no more than the suppression of the Corridor and the minor changes in addition which I have indicated. With these limitations he accepted the permanence of a racial Poland.

But he was thinking very obviously of the German majorities in Austria, of the German minorities in the valleys of the Danube and the Elbe; he was thinking of a Reich which included Austria, of a German state of seventy millions. And this German phase was, perhaps, only the most striking detail in what was to me the most surprising fact in the German state of mind. There is no such thing as a German sense of war-guilt, of unique responsibility for the War. On the contrary, there is a rather acute sense of victimized innocence. The German does not for a moment accept the view held of him in other countries. But he is terribly conscious of it. He is morbidly sensitive because of it.

The failure of the German to assimilate or reconcile the Pole, the Alsatian, the Dane, the combination of nearly all the nations against him during the War, the sense of moral isolation enduring after the War, all have united to turn German aspiration in the direction where he sees German populations living under conditions which convince him that he will be welcomed as a liberator and a brother. Before the War one had a sense, derived from certain German writings and speeches, of an intoxication, of an affliction of delusions of grandeur, of a belief in German mission to spread German Kultur in all directions, and this was coupled with the delusion of a somnolent England and a degenerate France. Of the survival of this state of mind, indeed, of the memory of it, I could find no trace.

What one did have was a sense of the consciousness of all Germans of the potentialities of a people of sixty odd millions, a confidence in restored greatness, but coupled with it the conviction that the future of Germany lay neither on the blue water nor in western Europe, but rather southward, toward lands where at least ten million Germans dwell. For Germans the rectification of the eastern frontier is at once enormously important and strictly limited in its political bearing, but the inclusion of Austria and perhaps the German minorities of Czechoslovakia within the Reich is the future greatness of a race which feels itself still destined to be great. I did not expect, when I went to Berlin, to find repentant Germans—and I did not find them. But neither did I expect to hear the highest placed Germans telling me that Posen was Polish, that Alsace desired to be French, and that Germany would accept the loss of Alsace-Lorraine—and I did.

If you ask me whether I honestly think there is a new Germany in the sense that there has been any formal or conscious renunciation of belief, confession of moral turpitude and resolve to amend evil ways, I must say no. But quite as frankly, if you ask me if I think the German remains unchanged by the experience of the past ten years, I must give the same answer. In discussing frontiers and treaty decisions I was struck with the degree to which facts were faced; in discussing the War I was impressed with the extent to which the material fact, if not the moral explanation, had been accepted. In sum, my German informants said to me:

> If the French—that is, all the Allies—will quit all German territory, if they will consent to the union of Austria with the Reich and the restoration of parts of our Eastern frontiers, we will agree to give guarantees as to western frontiers, resign our claim to Posen, agree to a neutralization of the Rhineland, but a neutralization equally affecting France and ourselves. No government could live in Germany which offered more and the present government has been in difficulties because it has offered so much.

Perhaps I should add, in view of the present discussion over German failure to disarm, that it is my conviction that no considerable further disarmament can be carried out and no permanent state of disarmament enforced from the outside, because wholly aside from the question of militarism involved, this attempted external supervision offends the deepest sense of German pride and independence. Feeling himself disarmed and helpless, the German regards the efforts of the Allies to increase this helplessness as no more than persecution and insult.

If you will think for a moment of the practical impossibility of enforcing prohibition in this coun-

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try, since public sentiment is divided, although all the machinery of government is behind it, you will appreciate how impossible it is to impose disarmament upon Germany from without, how powerless the government would find itself, even if it tried its best. The basis of German readiness to give guarantees and make surrenders, or agreements which strike Germans as surrenders, must be found in the desire to obtain freedom at a price, but every form of Allied control is to the German a denial of liberty. To free German territories from armies of occupation, to free German administration from Allied control, to be masters in their own house, this is the underlying German desire and demand.

The German as I saw him knew he had lost the War, realized that he had failed in dealing with subject races, was willing to concede that these two facts entailed certain permanent losses, perceived that the interests of Great Britain definitely blocked his western expansion and accepted the fact. But what he still insisted upon with his last energy was his right to complete liberty within a German world and his right to be treated in relations with other nations not as pariah, not as a criminal under sentence, but as an equal in every sense of the word.

And if I may add a final irrelevant word, the election of Hindenburg was in my judgment due more to an inarticulate but well-nigh universal resentment of Allied interference and Allied supervision, than to any sudden crystallization of German will to abandon the Republic or return to the old order with all its belligerent implications. It was a sort of passionate, stupid challenge, a declaration—"After all, and in spite of all, we are Germans. We shall stay Germans. Make the most of it, as you please."

FRANK H. SIMONDS.

The Hosts of Sound

(For H. A.)

If those huge sycamores before my door
Should suddenly clap their boughs, wrench from the ground
Their web-like feet and march, I'd not hear more
Of giants' thunder than the burdenous sound
That under-runs your footsteps falling slow.
And there's another music when you pass,
Like feathery bells or sleigh bells lost in snow,
The faint sidereal singing of the grass.

O come to the world's edge and hearken there!
First faint, as though those far sky-cymbals rang,
The gathering hosts of sound stampede the air.
O hear the clusters and the tendrils clang
As from the berries of His golden vine
The gong-hooved centaurs trample out God's wine!

SCHUYLER JACKSON.

Washington Notes

EVERY few days fresh evidence is presented tending to confirm the belief that during the rest of Mr. Coolidge's administration a single Senator of his own party will stand more solidly and immovably and effectively in the way of the things he wants than will any Democrat or all the Democrats. The name of this Senator is William E. Borah and he makes little secret of the fact that he is not greatly enamored of many of the policies and a considerable part of the program advocated by the White House. It would be strange if he were. This reverence for the rights of the big banks, great corporations and industries, so much a fibre of the Massachusetts Republican leaders of politics, never has appealed much to Mr. Borah. He thinks they have rights of course and are entitled to justice but the reverential attitude gives him a distinct ache and he is at no great pains to hide the fact.

To me there is something extremely ridiculous in the efforts of Mr. Coolidge to kiss Senator Borah into line with the sort of little White House favors and attentions which are so effectively lavished on the Middle Western editors of the influential agricultural journals and on numerous Republican members of Congress. Or rather it would be ridiculous if it were less transparent. Somehow or other one does not like to see the President of the United States placate a politician—even as big a one as Borah. There is something puny about this White House dinner and Presidential yacht stuff. Its intention is so obviously to flatter, that to a discerning person it is hardly complimentary.

The way in which the President has courted Senator Borah for the past year has become more or less a Washington joke. Until a few days ago they were both in Washington and Mr. Coolidge on one pretext or another was frequently sending for him asking him to dinner or for a conference. The Borahs have been on the Mayflower a number of times and have had many and various White House attentions. It is undoubtedly true that to many persons there is no flattery quite so effective as being asked on the Mayflower for a Presidential week-end.

But there is probably no one in Washington—or anywhere else for that matter—upon whom things like these have less effect than upon Mr. Borah. He accepts the Presidential breakfast, dinner and yachting invitations, keeps on the pleasantest personal relations with the President and proceeds to hammer the dickens out of the President's pet projects with as much vigor and enthusiasm as if he had been cut completely off the White House visiting list.

That is what he did in the Warren fight in the last session of Congress. It is what he has been doing to the World Court idea every time he has had a chance since Congress adjourned and unless all signs fail and his friends are completely fooled it is what he proposes doing in the next session to the new Mellon bill to reduce the surtaxes to 25 percent, to which the President is solemnly and reverently pledged right up to his eyeballs. If Mr. Coolidge has any policies other than these I do not know what they are. You can't call economy a policy. Everybody is for that and always has been. The trouble is, it never has got anywhere in the federal government in the past. Nor has it this time, notwithstanding the reams of press agent stuff sent out from the correspondents' conferences. If after nearly two years of economy talk a concrete example in the shape of results can be shown, no one has shown it.

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As everyone is for economy, so nearly everyone is for tax reduction; but not for the sort of tax reduction to which Mr. Mellon and Mr. Coolidge are pledged. Certain Democratic Senators of the Underwood-Glass type have tried to out-Mellon Mellon by declaring for an even greater cut in the surtax than he and the big business men want. This has caused the more prosperous of our metropolitan dailies to spill much commendatory ink; even Republican organs of the Herald-Tribune type have found something in these Democrats to extol. But when Senator Borah let it be known before going to Idaho that he did not favor any such cut in the surtax as Mr. Mellon planned unless a corresponding cut on the smaller incomes can be simultaneously made, the papers did not play that up. To my simple and untutored mind it would seem just as startling news that Senator Borah, a Republican, was not in tune with Mr. Mellon and Mr. Coolidge on tax reduction, as that Senator Underwood, a Democrat, is.

Regardless of the support from certain conservative Democratic Senators which the Mellon-Coolidge surtax cut will receive, and despite the glad proclamations of the administration mouthpieces to the effect that the surtax reduction along the principles laid down by Mr. Mellon is assured, there will be a very real fight against it next time —a fight, I am persuaded, almost as stiff and almost as effective as before. Borah will be in it. He may lead it. And so will Walsh and Reed and a lot of others who think absurd the Mellon logic that if you demand less of the rich in the way of taxes you will get more. Equally hard to prove is the other Mellon contention, so completely swallowed by the supporting press, that the way to relieve the small tax payer is first to relieve the rich.

Unless the President and Mr. Mellon can make fresh converts to these two ideas in the Senate my belief is that the second Mellon plan will do no better than the last did. I say this with full appreciation that the administration forces are—on the surface at least—far stronger in the next session than in the last. There will be a tax reduction bill, of course, but it is by no means certain that it will be any more like the one drafted by the Treasury Department and sponsored by the President than the last one was. It is certain not to be unless Borah helps; and the way to get his help lies neither in Frank Mondell speeches nor White House social attention.

It ought to be noted that one of the recent guests on the Mayflower was Brother Brisbane of the Hearst papers. Not many recent Presidents would have thought of Mr. Brisbane as a cruising companion. Most of them would have thought as soon of inviting a wild Indian. Mr. Brisbane has so savagely and consistently assailed Presidents in the past quarter of a century that it seemed to me more or less a piece of news that Mr. Coolidge, the one President he has taken to his bosom, should reciprocate. Better than anything else it illustrates the completness of the Coolidge press support. It also illustrates the value of the Mayflower to a President. It seemed to me that here was a real news story for the news hungry "corps of correspondents." But except for the picture of Mr. Brisbane with the other guests printed in the Hearst papers there was slight mention of it anywhere else. Not a correspondent wrote a line.

In the interests of accuracy I hasten to correct a statement made by me in this place some weeks ago to the effect that Mr. Coolidge has never been west of Minneapolis. A correspondent from California writes that while it is true that up to the time of his election as Vice-President Mr. Coolidge had never been West, he did go to California in August, 1922, and made a speech before the Commonwealth Club in San Francisco.

T. R. B.

Washington.

Boswell and Others

I

IT HAS become a common delusion among Americans to mistake the enjoyment of Boswell's Johnson for an interest in literature. The English departments of the universities are full of people who prefer Boswell's gossip to the study of either art or ideas. They never tire of Johnson's queer ménage and his flat-footed contradictions; they are delighted by his prejudices, his hypochondria and the gravy stains on his vest. Indeed, Professor Chauncey Tinker of Yale, on the strength of his researches into Boswell, has succeeded in establishing a local reputation almost eclipsing that of Professor Phelps.

If they must have the English eighteenth century, why, one wonders, do they not choose Swift for a hero: he was more interesting than Johnson and has never been properly done. For all Johnson's vigorous intellect and his elaborate brilliance, he is a figure of secondary interest: it is not altogether that he is prejudiced and provincial but rather that his prejudices do not have behind them quite enough of the force of the creative mind. A very able and witty critic when he has once been put into action, he seems not to feel an imperative necessity for expressing himself through literature and even confesses that he cannot conceive anyone's writing except for the purpose of making money. In spite of his enormous potential energy, both his writings and his life seemed weighed down by an inescapable inertia: we feel that he is a cripple and we perhaps admire him most when he is sounding his dull note of the burden of life—that condition "where much is to be suffered and little to be known."

But, in any case, it is apparently not in Johnson the writer that the professors and the essayists are most interested but in the dreary and boorish old man made irritable with too much tea-drinking—that is to say, in Boswell's life. Now Boswell, though he does to be sure write the most entertaining of literary day-books, has little intellectual or artistic importance. He did incontestably invent the modern biography but that is a thing one has sometimes wished away. And the impression of Johnson that we get from Boswell is one of a man almost completely out of touch with the significant developments of his time: when Johnson, in Boswell, scoffs at Berkeley or Rousseau, we feel not merely that he is opposed to them but that he does not even understand them. When we think of the Johnson presented by Boswell rather than of the Johnson of The Lives of the Poets, we are almost tempted to agree with Taine and dismiss him altogether.

Yet for our students of English literature and our writers in the Atlantic Monthly, the very limitations of Johnson and his circle probably constitute one of its chief attractions. Out of all the circles of the eighteenth century, they seem to have chosen the most monotonous and the most stodgy—the literary atmosphere least alive to the intellectual currents of the world. They have gone

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instinctively, one suspects, to the society most like a circle in an American university.

II

Now that the fortress of Mr. Paul Elmer More's critical reputation has been thrice taken and razed to the ground, we may perhaps reconsider his merits and discover in him a very able man. Mr. More is not to be trusted with works of art but he is real master of ideas—one of the few we have. His great error as a writer on literature has been to mistake for the libertinage of romanticism what is really the indispensable condition for any artistic creation. We must not write on impulse, he has warned us, we must distrust our emotions; a work of art should be first of all a contribution to a reasonable morality. But if it were possible to enforce this injunction in the case of imminent works of art, it is evident that we should never have any. Without the response to some irrational impulse, there can be no creative work at all. Does Mr. More suppose that the Greek dramatists—since it is always a question with him of the classics—did not yield to irrational impulses in composing their tragedies? Now that the greater part of their work is lost, we have made them a present of moral systems—a different system for each commentator—but how much is still sheer poetry and myth like the work of any romantic!

Yet this is not the mistake of Mr. More's which has made it so easy for the literary public in his own country to discard him after all his accomplishment. The case he urged was by no means an absurd one: it was the case, not as has often been said, of a cloistered scholar unaware of the realities of contemporary life, but of a sincere and exceptionally well-informed man making a serious effort to deal with them. Even when Mr. More's æsthetic deficiencies have been admitted, there is a good deal to be learned from him. But his really grievous error, from the point of view of his effectiveness as a leader of the American public, lay in the fact that he was persistently trying to cure them of the wrong disease: it may have been true, as Mr. More asserted, that the United States at large was suffering from an anarchic and unprincipled expansion but what the American literati were suffering from was certainly inhibition. Mr. More and his whole generation of critics kept exhorting them to hold themselves in. The result was that these critics' influence was not difficult to destroy because it was entirely negative. Mr. Stuart Sherman is the only disciple of any eminence that Mr. More has ever had and now even Mr. Sherman seems to be chafing against the dogma to which he was reared. But when men like Mencken and Van Wyck Brooks came along and urged the Americans to expand and express themselves, there arose at once a generation of novelists and poets to call Brooks and Mencken blessed. Mr. More and Professor Babbitt and Mr. W. C. Brownell, for all their earnestness and their learning, had been preaching discipline and restraint to a race already bound hand and foot.

III

There is a striking parallel between the developments of modern art and the discoveries of modern science. According to the scientific philosophy of A. N. Whitehead, we must think of the universe, not as a certain amount of matter partially filling Euclidean space and enduring straightforwardly through time, but as a structure of events as to which our ordinary measurements of space and time are inaccurate. We can approach a conception of the real nature of things only by imagining infinitely small bits of space at infinitely small moments of time—so that a point in space is not something fixed as we ordinarily conceive it but a series of as many different points as we take different particles of time. The Statue of Liberty yesterday—or a moment ago—does not represent the same event as it does now, nor do any of the atoms which compose it. Space is not finally to be discriminated from time and an event can only be designated by taking its time as well as giving its position in space.

But, according to the new physics, our old measurements of time and space do not represent any universal truth: they depend upon the position of the observer. There can be as many different time-systems and space-systems as there are differently-situated persons to make them. Two events that are simultaneous to a man on earth may not be simultaneous to a man on Mars and the distance between two instantaneous points may be different in different space-systems. So that we must think of the universe of events not from the point of view of a single space and a single time-series but of the "creative advance of nature" of which the different time-series measure different aspects and all of whose properties may be expressed only by taking all the time-series possible.

So in modern painting the old assumptions about the universe are being disregarded: new spatial and temporal relations are shown. In a still-life by Braque or Picasso, the objects, instead of being represented according to the laws of Euclidean geometry, are distorted and broken up in a manner which we should consider geometrically impossible; and in the satiric drawings of a Masereel or a Grosz we not infrequently find an individual depicted merely as an aggregation of aspects of the same person at different times. In literature, we have events perceived in quite different relations by different people or by the same person at different times and the assumption is that we are watching the "creative advance of nature"—only conceivable by imagining relations between Mr. Whitehead's "event-particles"—rather than the four-square, common-sense world of a Chaucer or a Fielding. The poetry of Eliot and Pound, the expressionist drama and some of the most interesting of modern novels all tend to give this impression of a universe susceptible of measurement by any number of different systems and not finally comprehensible through any of them.

Today this art seems chaotic and unintelligible to critics whose minds have been adjusted to the classic point of view and have had time to rust in that position. But we may remember what the scientists tell us about Einstein: that it is not the inherent difficulty of his mathematics which prevents him from being widely understood but merely the fact that most men, including physicists, having been brought up on Euclid and Newton, find it impossible to take the trouble of learning anything new. With art, of course, it is a little different: you cannot demonstrate a case in æsthetics quite as you can in science—by experiments and formulæ. But it is probable that, when our grandchildren in their schools are studying Einstein along with Newton, they will also, along with Horace and Racine, be reading some of the most "anarchic" of our contemporaries. The points of view of modern science and art have developed independently of each other—or rather, they have been produced, without direct intercommunication, by the same complex of conditions—and there is no reason to believe that they do not represent some fundamental change in the European mind. EDMUND WILSON.

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CORRESPONDENCE

The Trouble in China

SIR: I enclose a copy of the letter I wrote Hon. Frank B. Kellogg of the State Department in regard to the situation that is developing in China. As the American public is interested in developments over in the Far East, I hope you can use the accompanying correspondence as representing one point of view of the matter.

WELLINGTON Y. W. LIU,
President, Chinese Students' Alliance in U. S. A.
New York, N. Y.

[Enclosure]

Hon. Frank B. Kellogg, Secretary of State,
Washington, D. C.

Dear Sir:

With your permission, we have the honor to make a few observations for your most esteemed consideration, regarding the present situation that is developing in China.

According to press report the question which started as an industrial disagreement between Japanese employers and Chinese workers has now assumed a political aspect, and the Powers are fast rushing forces to Chinese ports, ostensibly to protect foreign residents and premises.

It has become customary for foreign Powers to land marines on Chinese soil whenever any real or apparent danger seems threatening. On the legality of this singular practice we do not propose to dwell. But we maintain that the use of rifles and machine guns by foreign troops against unarmed and defenseless student demonstrators cannot receive the sanction of enlightened opinion of the world and is not worthy of the spirit of brotherly love and fair play as preached by all Christian nations. Aside from this purely moral issue, we beg to recall that most of the shooting which resulted in numerous fatalities was perpetrated outside of the so-called foreign settlement in Shanghai. . . .

We assure you, Your Excellency, this is not an anti-foreign uprising nor a Bolshevik gesture, as some of the press correspondents want us to believe. Whatever does not suit one's taste, it is unfortunately easy in China nowadays, as well as elsewhere, to brand as either "Red" or "Anti-foreign." We Chinese people are instinctively a conservative people and do not deserve the honor or dishonor of being regarded as Bolsheviki. And we have not forgotten the disastrous effects on our national life of the much lamented Boxer uprising. . . .

The time has passed when China can be treated as an outlying colony of any one nation or any group of nations. She has her sovereign rights which she expects other friendly nations to respect. It is to the interest and peace of the world, especially the peace of the Far East, that she be recognized as a full-fledged member in the family of nations. A change of heart is called for in those foreign agents in China who may be misrepresenting the magnanimity and fairplay of their home governments. . . .

We Chinese people are confident of America's sound judgment in international affairs, especially those concerning the Far East. . . . We would feel proud if our traditional friend on this side of the Pacific stands firm on the ground that China's sovereignty shall be respected at all costs, that no more marines shall be landed and those additional units of naval forces shall be withdrawn so soon as is compatible with the safety of American residents in China.

WELLINGTON Y. W. LIU,
President, the Chinese Students' Alliance in the U. S. A.
New York, N. Y.

The Church as Employe

SIR: In your editorial on the defeat of the child labor amendment you slurred over one of the two important factors. In Massachusetts, which was the pivotal state, the amendment was defeated by a coalition of plutocracy and priesthood. The priests turned fully as many votes in this state as all the other mouthpieces of the manufacturers put together. I should much like to see a series of articles on the church as employe—though I do not offer to write one.

W. C. ROSE.

Ashland, Mass.

The Ends of Education

SIR: May I file a brief objection to Rolling Mark Hopkins's Log by C. E. Ayres (issue of May 20)? Mr. Ayres in reviewing three books complains that the ends of collegiate education are not clear, that the relations between "the higher pedagogy" and life are obscure. I contend that the present liberal college is a creature of reason as well as of evolution.

It is true that an amazing number and variety of subjects have been tacked on to the original seven liberal arts; it is also true that the elective system allows peculiar choices and substitutions. Yet the essentials remain clear in all plans from Eliot to Meiklejohn, through state and sectarian institutions. These essentials are three: (1) an ability to receive and pass on information, (2) an ability to arrange information by logical processes, and (3) an ability to evaluate information. These three essentials are in practically all colleges guaranteed by certain required courses: (1) English and foreign languages; (2) mathematics, logic, and laboratory sciences; (3) psychology, philosophy, history, and social sciences.

If colleges give students thorough training in these branches, they will be ready to study, in or out of college, any specialized phases of life that may interest them. Furthermore, colleges should aid students in finding vocations. Finally, a college must insure its own future through continued teaching and research in these essential subjects. But beyond these items, the current hullabaloo about electives, honor groups, majors, examinations, etc., seems unnecessary.

Though the liberal college is essentially safe and sane, it has two notable defects. It fails to teach students to pass on information *by means of the arts*, which have proved long-lived and valuable transmitters of past cultures. Second, in an age of shifting values, the college has reflected the times and has formulated no general system of evaluating information. The best scheme in vogue is the historical outline, sponsored by Wells, with evolutionary rather than qualitative relationships. But this defect is not a problem for pedagogues; it is for philosophers and religious leaders.

Let me add, in parenthesis, that my objections to Mr. Ayres's criticisms must not be taken as a defense of Mr. Gavit's ludicrous misinterpretations nor of any system evolved by a Literary Digest referendum. Both items horrify me.

W. L. WERNER.

State College, Pa.

Books Wanted

SIR: The Workers' Organization in Palestine is largely composed of individuals of high education who left universities all over the world in order to come to Palestine to do their part in the building up of the country. They formed a circulating library for themselves which due to their limited means is very far from satisfying their needs. A committee has been formed in New York to help them in this matter. Books mostly wanted are literature and science, especially in agriculture, manual trades, education and social movements, in English, Russian, German, Jewish and Hebrew. Address, 133 Second Avenue, N. Y.

DR. JEHUDAH KAUFMAN,
Chairman, Book Campaign Committee.

New York, N. Y.

A Correction

SIR: In my article, Tennessee Goes Fundamentalist, published in the New Republic of April 29, is a sentence which, referring to loans and appropriations voted to the University of Tennessee in 1918, reads as follows: "This investment by the state came as part of a program of expansion and state-wide service of Dr. H. A. Morgan, the new president."

Since Dr. Morgan did not become president until 1919, this statement is of course untrue. I had no intention of making such a statement, and I think that reference to your copy will show that the error was brought about by editorial contraction.

ROYCE JORDAN.

Nashville, Tenn.

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Vaudeville, Old and Young

OLD and young all blossomed out together on Broadway last week, the most professional of the professionals, some amateurs, and a good deal that lies between the two. Semi-pro's. On the whole the semi-pro's were in the majority. The occasion was the reappearance at Keith's Palace of such grand old stars as Weber and Fields, Fay Templeton, Marie Cahill, Cissie Loftus, Emma Trentini; the opening of the Garrick Gaieties and of the 1925 Grand Street Follies.

I had never seen any of the old ones before. Probably they are not what once they were. But they still have something which these young ones can envy their heads off for, and never attain. It is peculiar to the old timers, to the less good as well as to the best. It is peculiar also to some of the professionals at the Palace who are not old-timers. It distinguishes them from the slighter semi-pro's and amateurs even when these latter are equally funny and clever. In general, this something is human horse-power, size, electricity, energy, zingo. It is not necessarily personality, nor does it always have anything to do with art or skill. It is simply that these people have a fire in their belly which makes you sit up and listen whether you want to or not, which silences criticism until their act is over and you can begin thinking again. Looking back at Weber and Fields you will find things you didn't like, a certain fussiness in the fury, too much mere scramble in the give and take, confusion, noise, bluster even, but you have to recognize them as, in their way, giants. They seize you and do pretty nearly anything they want with you, and while it is going on you sit with your mouth open and laugh and laugh again.

So this is the famous pool game scene, and here are the legendary Mike and Meyer, and one of the most famous acts of all vaudeville. What would we think of it if we had never heard of Weber and Fields, and if this were their first step in the limelight? Perhaps a little less well of it than we seem to. The moment is too overclouded with other people's reminiscences, with second-hand glory, with expectation. But if they are not exactly wonderful—though it is wonderful that after all we are looking at them—they are awfully good. Somewhere in the great territory between good and wonderful. Weber seems definitely the less good of the two. Something angular and hurried, blurred and harsh, takes away a little of our joy in his rapid-fire horseplay. It is Lew Fields who at the end has our affections. He is a small round version of the grotesque—that may have something to do with it, and it is not irrelevant that he is also the butt. But he has a concentration that Weber lacks, and a plaintive anxious absurdity, and great deftness and economy. What he does goes straight to the point, with agile hopelessness. What he says is the counterpart of what he does, and his character is summed up in the reply to Weber, who insists that the rules of the game require him to call a ball before shooting:

I call vun Philip.

But even Mike and Meyer must bow before Fay Templeton. The generosity of her vast good humor is only rivalled by the generosity with which nature has treated her since she left Broadway years ago for a farm in Pennsylvania. We like her, not only because, as Weber remarks, everybody loves a fat woman, but because she is so obviously enjoying herself too, because in little gestures and little catches in her warbling roar she shows a happy consciousness of her appearance. When with a flick of the arm or of the voice she gives us so much, such a hearty, serene, basic, solid humor, we are delighted, partly because there seems to be so much more of the same held in reserve.

And Marie Cahill is funny also, and so is Cissie Loftus, though her skillful imitations are perhaps a little too conscientious. And Emma Trentini is a fiery little person, with jerks and grimaces and mannerisms and the substantial ghost of a pure lovely voice which add up to give an impression of something a trifle mad. And among the present generation Bill Robinson ("The Dark Cloud of Joy") is extraordinary. Surely never were feet so neat and witty and full of imagination. And Dr. Rockwell is in every sense a novelty. A compound of Babbitt, The Show-Off and Robert Benchley, his pig-iron voice and unquenchable stream of everything from wise-crack, false teeth, cheap chestnut to wild gorgeous nonsense is at the end the more irresistible for rubbing one's fur the wrong way at the beginning.

So much for the professionals and ancients. The gay young people at the Garrick are more sophisticated, and a good deal tamer. At its best, their bill of imitations, songs and dances is uproariously funny (particularly the crazy burlesque of Fata Morgana with yellow-haired Sterling Holloway as Emily Stevens), on the average it is gay, light and trim, with awful spots like the tasteless, stupid travesty of the President and Mrs. Coolidge. It contains one admirable imitation of Pauline Lord by Peggy Conway, restrained and accurate, and many feebler but usually amusing burlesques. The words of the songs are far beyond normally intelligent for such a show, but the music is not up to them, and the voices are still another step behind. One feels that these clever youngsters are using nearly a hundred percent of their talents, and have perhaps worked too hard at the sort of thing that best succeeds when it seems thrown off by sheer abundance of lively spirits. They have pleasant ready capabilities, a comic sense cheerful rather than keen, and inventiveness, but on the whole these qualities do no more than trickle industriously across the stage. Oh, for some Fay Templeton among these youngsters, some quaking alp of laughter to mock their pleasant cultivated foothills.

The Grand Street Follies were a thorough disappointment. To one who had not seen either of the previous Follies, and expected great things, they turned out on the whole to be pretty tiresome. One wonders what, exactly, the Neighborhood Playhouse was trying to do, or if, in some of the acts there was anything they were not trying to do. An elaborate and costly half-hour makes dismal fun of Hylan's administration by means of squadrons of people dressed in ancient Indian costume with a New York twist, embodying the least relevant features of either, and at the same time starts to make fun of the Little Clay Cart, but never gets there, and into the bargain hints feebly at Gilbert and Sullivan, and in addition lays out the groundwork for a pageant, and also does not neglect any opportunity to show how well the members of its company can dance, seriously or mockingly, nor how badly they can sing. This inning is a glaring instance of what lay at the root of the trouble throughout, contraption, complication, costume, and a sliding toward many points, no one of which was handsomely hit on the head.

ROBERT LITTELL.

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From Infancy On

The Mental Growth of the Pre-School Child, by Arnold Gesell. New York: The Macmillan Company. 447 pages. $3.50.

The Psychology of the Pre-School Child, by Bird T. Baldwin, and Lorle I. Stecher. New York: D. Appleton and Company. 305 pages. $2.75.

Mental Growth of Children, in relation to rate of growth in bodily development, A Report of the Bureau of Educational Experiments, New York City, by Buford J. Johnson. New York: E. P. Dutton and Company. 160 pages. $3.50.

The Decroly Class, A Contribution to Elementary Education, by Amelie Hamaide, with a Preface by Ed. Claparede. Tr. from the French by Jean Lee Hunt. New York: E. P. Dutton and Company. 318 pages. $2.

Brief Guide to the Project Method, by James F. Hosic and Sarah E. Chase. Yonkers-on-Hudson: The World Book Company. 243 pages. $2.

The Platoon School, by Charles L. Spain. New York: The Macmillan Company. 262 pages. $2.

School for John and Mary, by Elizabeth Banks. New York: G. P. Putnam's Sons. 314 pages. $2.

Twenty-Five Years of American Education, edited by I. L. Kandel. New York: The Macmillan Company. 469 pages. $2.25.

Contributions to Education, Vol. I, edited by J. Carleton Bell, New York Society for the Experimental Study of Education. Yonkers-on-Hudson: World Book Company. 364 pages. $2.

TO LAYMEN, to parents especially, the outstanding contribution of modern psychological research is the emphasis placed upon the earliest years of childhood. These years, it is now generally agreed, are by far the most important of the entire life span emotionally and mentally as well as physically. Some authorities go so far as to claim that the main patterns of the future personality are already fixed by the end of the second year.

These conclusions of psychologists and laboratory workers are now being reflected everywhere in the field of social endeavor. The infant's milk station is being supplemented by the habit clinic and the nursery school. University research bureaus, no less than national women's organizations like the American Association of University Women, and the National Federation of Women's Clubs, are conducting studies and opening up centres for dealing with the special problems of toddlers and runabouts. A few enthusiasts are urging the public school to extend its supervision to children below the kindergarten age.

At the same time, leading authorities declare that important as these first years are, little is known about them. No norms or standards, scientifically determined, have existed hitherto to serve as a guide either for diagnosis or treatment. General and applied child psychology has been mainly concerned with children of school age. Yet scientifically as well as socially there is urgent need of precise knowledge of the laws and phenomena of early development and growth.

The several studies of Drs. Gesell, Baldwin and Johnson, are at least a beginning in this little explored field. Their findings are offered tentatively and should be so accepted, especially by lay workers. The difficulty of establishing norms and standards for very young children is great. Few suitable tests exist for measuring early development, and young children because of their plasticity and emotional variability are hard to test successfully.

Dr. Gesell's schedules, based on systematic observation for six years of fifty normal children at ten successive age levels, from four months through five years, represent not only a behavior study of first importance, but have undoubted clinical value, if, as he recommends, due caution is exercised and complicating medical or social factors are taken into consideration. Child guidance, child adoption, and child placement all call for certain clinical safeguards and a diagnostic technique which Dr. Gesell so well supplies.

Not the least interesting part of his book is the comparative study of eight pairs of children, a four months' versus a six months' old baby, six months' versus nine months' and so on up to four versus five years. Pedagogues and parents would do well to heed Dr. Gesell's wise comment at the end of his examination: "The last pair were highly amenable when compared with their early predecessors. They would do our bidding; they would sit when we told them to sit; they would await their turn; they would surrender even a coveted toy . . . what would they not do for us? We were left with a profound realization of their teachability. This realization was disquieting . . ."

The aim of Drs. Baldwin and Stecher was also to furnish tentative standards for measuring the physical and mental development of pre-school children. Consecutive daily studies were made of 105 children in the pre-school laboratory school of the Iowa Child Welfare Research Station over a period of from one to two years for each individual in attendance. Dr. Baldwin's physical measurements of children are widely known and the present volume contains new and important material on physical growth, the first collection available of consecutive physical measurements on any considerable number of such young children.

Far less successful, so it seems to me, are the results of the psychological and mental tests. Drs. Baldwin and Stecher are apparently inspired by the philosophy of an older school. They are opposed to letting the child "just grow," and believe in a definite program to awaken wholesome interests and attitudes, and to insure normal growth. This definite program, needless to say, involves much old-fashioned training. "Music is played for appreciation and the habit is early established of listening quietly and not indulging in activities of one's own, while music is going on." "It is interesting to see that children of the earlier ages have no conception of what it means to keep in line behind one another." "It is not possible to give the younger children much idea of design either of form or color" (a conclusion quite in variance with that of other close observers of children). When presented with modeling-clay, the children were completely bewildered, and "as with other material for constructive imagination, waited for the teachers to make something for them."

Such an attitude must necessarily affect the results of an inquiry as to how children normally develop. Children in a non-free environment easily succumb into passivity, or react to tests in a negative or half-hearted fashion, or else attempt to respond in the manner they think is expected of them. Moreover the Iowa laboratory school was frankly an experiment station, and the younger groups of children stayed in it only one and a half hours daily—long enough to be tested, but not to adjust naturally and freely.

Dr. Johnson in her book does two things extremely well.

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She provides important data bearing on the vital relationship between physical growth and mental development, and she makes sound and careful appraisal of the value of such tests as are available for measuring mental capacity. Her study, carried on from 1919 to 1923, was made for the New York Bureau of Educational Experiments, and its major part based on examinations of children in the City and Country School and the Nursery School of the Bureau. Kindergarten children in three private and two public schools were also examined. Her conclusion that children grow at different rates, and that hereditary tendencies influence the rate of growth, and therefore the stage of development at a given chronological age, is good sense as well as good science. So also is her conclusion that two scales, nowadays extensively used—the Stanford Revision of the Binet Simon test, and the Pittner and Patterson scale of performance tests—are not adequate for the extremes: that the scores of young children especially are influenced by environmental training. It is also interesting to discover that the children in the City and County School, which offers an enriched environment favorable to development, scored on the average in their I. Q.'s seventeen points higher than the public school children tested.

It takes no psychologist's scales, however, to prove that children develop more rapidly under favorable surroundings. "We have known," writes Dr. Ovide Decroly, "that the continuous action of a well-chosen environment can of itself kindle the activities appropriate to development and permit the child a true and entire realization of his personality." No more illuminating evidence of this truth is to be found than in Mlle. Hamaide's vivid and sympathetic account of the remarkable classes established by Dr. Decroly in Brussels, a book discriminatingly translated from the French by Miss Jean Lee Hunt. These classes, which started in 1907 in the little school of Dr. Decroly in the rue d'Ermitage, have now secured official recognition from the public school authorities of Brussels, and are likely to have a profound influence on education in other countries.

In contrast to other educational reformers who give "new school" lip service in prospectus and on platform, but continue "old school" practice in their classrooms, Dr. Decroly has succeeded in giving life and body to his theories of educational reconstruction. His fundamental principle, like that of Dewey, is that children learn through living, and living not according to some prearranged adult formula, but on their own level of needs and interests. The child is taught understanding of the world about him through consideration of the primary need for food, shelter, protection, work, recreation and self-expression. Much time is spent in studying plant and animal life, which have so great a hold on a child's imagination, and the methods of study are those best calculated to train children to think constructively. The activities of the school are grouped by Dr. Decroly under observation, association and expression. As Miss Hunt well states in her excellent introduction, "Scientific method evolved after centuries of trial and error on the part of human kind, is to be found here in words as nearly of one syllable as it would seem possible to devise."

The actual school procedure, grouped as it is each term or year about some centre of interest, has its American counterpart in the "project method," but there is a naturalness and unity about the activities described by Mlle. Hamaide rarely found in any school. Her studies of individual children, the plentiful illustrations of original compositions and drawings, and the concrete material contained in the chapters on a demonstration class and on type programs, make the book invaluable to teachers attempting to provide opportunities for children to develop all their possibilities freely and harmoniously.

In contrast to Mlle. Hamaide's vivid pages, Prof. Hosic's exposition of the project method, strong as his faith is in it, appears thin and pedagogical. The difference is between a living, growing organism and a graft on a tree whose roots are already dead. Prof. Hosic expresses all the correct modern convictions concerning the child and the necessity of educational reform, and many of the illustrative projects of Miss Chase are excellent, but he fears too radical a departure from the beaten path. "The project teacher leads the pupils to plan the things they ought to do." "Its use does not make a course of study unnecessary but instead more truly indispensable." "Good men and true have grown up under the old régime—either because or in spite of it—and may be expected to do so still." It is to be feared that too many teachers will conclude from such suggestions that the same old subject matter is to be retained, and the same objectives, but through a sugar coating of "purposeful activity" the learning process is to be facilitated and the dreariness of drill overcome.

Yet the project method was never intended to degenerate into any such makeshift. The work of Prof. Collings already reviewed in these columns illustrates how completely a project curriculum can serve the real ends of education, and "projects" of course are an integral part of all the more radical educational experiments. Miss Margaret Pollitzer of the Walden School writes us illuminatingly on the difference between projects and the project method:

> In no sense do we follow the project method, because we are never primarily concerned with the teaching of specific subject matter. We consider it rather to be the function of education to bring out the full capacities of the child . . . Since the child only lives happily if he is engaged most of the time in purposeful activity, a school such as ours must provide opportunity for such activity in many fields. In the sense that anything from writing a book, to planning a bridge or holding a political meeting is a project, we may be said to have projects in the Walden School, and the children learn through carrying them out. The teacher's emphasis however is not on getting the project done, but always on the plan of the activity, on the manner of its accomplishment and its relation to the particular problem of each child.

It is this preoccupation with subject matter and units of the course of study that is over emphasized in too much of the discussion of so hopeful an educational movement as the platoon school. "The fundamental object of the platoon organization," writes Deputy Superintendent Spain of Detroit, "is to provide an administrative device by which all the subjects in the present day curriculum may receive proper emphasis. . . ." "The program is the most important part of the organization, determining to a large extent the utilization of the school plant, the best distribution of subject matter according to grade allotment, and the most effective use of teachers' time." Nothing perhaps has done more to liberate the public mind from the notion that children can be educated by spending all their school hours chained immovably to school seats, than the work-study-play or platoon school idea. Most parents will agree that children will be benefited by having access to playgrounds, work shops, art studios, science laboratories, libraries, swimming-

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pools and school gardens, but as taxpayers they have been unwilling to meet the apparently prohibitive cost of supplying them. By the simple device of double use of all parts of the school plant, the number of children that can be accommodated in a building is greatly increased, and funds thereby released for these special facilities. The description of these facilities in the Detroit schools, where the plan was officially adopted in 1919, is very complete in Superintendent Spain's book, as is also his historical sketch of the evolution of the curriculum and the school building from colonial days to the present.

Certainly it seems a far cry from the elaborately equipped school buildings Detroit is erecting to the wretched provisions made for public education in England. Elizabeth Banks's arraignment of England's abominable caste system in education—presented unfortunately in story form—ought to prove needed ammunition to the Labor Party, especially as she has wisely given due credit to the enlightened work of teachers in the county council schools.

How far America has traveled in her experiment with free public education is well told in two books by many contributors. The first, edited by Prof. I. L. Kandel, is a tribute to Prof. Paul Monroe by his former students, and deals with the progress of the last twenty-five years, a period in which very great and startling changes have taken place. The book is an excellent handbook for the student of education, though we must regret that of necessity progress is recorded as seen through the lens of Teachers' College of Columbia University, and so hopeful a development as that of the experimental school is scarcely touched upon.

The second book assembled by the New York Society for the Experimental Study of Education has a number of good papers on technical research and measurements in education (their definition of "experimental"). The most stimulating of these is by Prof. Kilpatrick, whose remarks on the potentialities of educational measurements might well be pondered by everyone: "In times past it has often been disheartening to hear great claims made for measuring and see at the same time so great an instrument used to distract attention from the real objective of education and to centre it on a part only. And it has been the more disheartening because that part, being chiefly formal and mechanical, was easy to be seized upon by the mechanically minded and by them treated as if it were in effect the whole."

AGNES DELIMA.

That Nice Young Couple

That Nice Young Couple, by Francis Hackett. New York: Boni and Liveright. $2.

THAT nice young couple consists of Edward Beale and Eleanor Byrd. Their nice romance begins on shipboard, is consolidated into matrimony at Eleanor's home in the capital of Wisconsin, which Mr. Hackett shrewdly calls Franklin, and is completed in New York, where Edward plods to success in the law and Eleanor directs the social department. Edward is the nicest, entirely superlative, *summa cum laude*. Eleanor's reaction to the test, however, is always positive, even in her adventure with Stephen Tannay; and when her feet grow cold on the ways of love and she returns to the couple, few readers will dispute Mr. Hackett's award of the comparative degree to his heroine.

It may be inferred that Mr. Hackett's fiction falls into two parts—what his characters do of themselves, and what he does for and to them. The things in the first category are admirably right. Scene after scene, reaction after reaction, emerges with hard, bright reality. Eleanor's relations with Edward and with Stephen Tannay are of this sort. One of the things he does for his young couple is to introduce them to the various circles of young New York, the successful world of the better sort, and bohemia. Here Mr. Hackett is the observer, the critic, the satirist. If his settings seem a bit obviously worked up, they nevertheless become interesting under the play of his mind.

There are a good many minor characters, the product of Mr. Hackett's observation and collecting instinct. The best of them belong to the earlier chapters which are laid in the Middle West, whither Edward goes to his coupling. There is Eleanor's uncle, Bob Byrd, and his friend, Wayland Shay, the radical lawyer with "the mug of the American orator in which the poet, the stage-coach driver, the patent medicine man and the circuit rider, all fight for dominance." There is Mrs. Byrd, a true Western woman of the world of culture. "In the management of her mind Mrs. Byrd never went far with abstractions. Like all tethered creatures, she tangled herself in the rope. She knew she was an idealist, that was all. To that she tethered." This is surely worthy of Mrs. Wharton at her best. There is Chester Dusenberry whose only title to admission is that of a discarded suitor, but who justifies himself by one perfect utterance: "He was a man of very pure private life, William McKinley." Most of these characters have little to do with the story—one recognizes the conscience of the novelist in the way in which Mr. Hackett recalls them from time to time to his scene—but they are distinct phrases in the theme which he has chosen to orchestrate.

For Mr. Hackett has written, under a disguise of casual brilliancy, a thesis novel. His theme is American life, of which the dominant motive is repression. Edward and Eleanor are representative of it in different ways. Edward's father, the Rev. Amos Beale, was a Puritan. "Brought up on fried food, he had been bitterly serious from the age of seven. If there were any doubt as to the existence of hell, he had never entertained it." Edward is a Puritan of the next generation. "He felt about his naked emotions as a nun feels about her naked body." "He welcomed every measure of suppression that was possible—laws against gambling, laws against drinking, laws against smoking, laws against obscene books, laws against obscene plays, laws against speeding, laws against license of every description." Eleanor's father was one of the pioneers who had swept across the virgin country like the Huns of Attila, cutting, burning, grabbing, looting. To their rude struggle had succeeded a mechanical civilization whose keynote was comfort—steam heat, refrigerators, vacuum cleaners, bathrooms, water-closets. Their manners had been tamed by gentlewomanhood, which had imposed a spurious culture upon the natural world in which they rioted. Eleanor herself took from her father his feeling about women. "To be rare, to be refined, to be desired, to be aloof and romantic—these were the ideals at the back of her mind." Her standards were established by her mother, and trimmed and polished at the Misses Whitney's school. "Eleanor was middle-class—that is, tight with 'imaginary obligations,' tense with a sense of imperfect breeding, stiff with a sense of being looked at and criticized and judged." "She found in New York the ingredients of another and

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grander Franklin," and she was determined to combine them as a setting for Edward and herself.

Both Edward and Eleanor shrink from the crudeness of life below the thin stratum of decorum which they and other nice people have deposited. Mr. Hackett shows a malicious delight in forcing them into contact with it. Edward is obliged for professional reasons to associate himself with Marcus Madigan, a roughneck; he is dragged to the Democratic Convention at Baltimore, and obliged to act as errand-boy to predatory business men and political bosses. Eleanor is obliged to go to the hospital, where her specialist, Dr. Philip Norton, kisses her. She is cast upon the more sheltered coast of bohemia. She has to contemplate the fate of those who fail in niceness.

> If you weren't nice and normal, you would be swept out on strong currents into the ever-threatening, ever ravening world of brutal America. The newspapers would paw you over, eye you over, strip you for the public gaze. Eleanor vaguely apprehended it—every little rat in the subway, every starved clerk, every passionate clergyman, every ill-balanced evangelist, Sankeys and Moodys with their souls roaring like garbage incinerators, their eyes like furnace windows—they would gulp you down gluttonously, savour you savagely, consume you in ravenous flames.

It is a trivial occurrence, something a nice woman does not like, which in the end turns the scales against life, and reëstablishes that nice young couple.

ROBERT MORSS LOVETT.

A Fool i' the Forest

A Fool i' the Forest: A Phantasmagoria, by Richard Aldington. New York: The Dial Press. $1.50.

THE hard intellectual irony which characterized Richard Aldington's Exile and Other Poems appears again in his latest poetic work, A Fool i' the Forest, though here it is softened by frequent humor. For this reason the newer book, if not stronger, is more entertaining and more palatable, and comes nearer to the Meredithian ideal of comedy.

It is called by the author a "phantasmagoria," and indeed it is that. It is composed of thirty-four movements averaging a page and a half in length, arranged in natural sequence and depicting the mental and emotional struggles of a twentieth-century man who is not in tune with the age. This was the dominant theme in Exile also, and motives which flashed out from the pages of that book in the form of independent lyrics we now find woven into the continuous, complex pattern of its successor—a process which reminds one of Robert Frost's New Hampshire, with its Notes and Grace Notes, except that Mr. Aldington has reversed the order of things.

And it seems to me, now that I have linked these names casually, that there is more than a casual relationship between them. Neither Frost nor Aldington is particularly keen on the characteristic features of modern civilization. Frost is more humorous and less high-strung, but his irony is scarcely less bitter. Aldington escapes into the golden mists of ancient Greece; Frost into the peaceful shadows of New England orchards. In both cases it is not fear which prompts the escape, but choice.

There is a good deal of courage shown in A Fool i' the Forest. Mr. Aldington, in passages which could be nothing essentially but autobiography, reveals a personality in which fortitude and nobility are uppermost. It is the strength of his idealism that is his weakness. It is that which incapacitates him for the enjoyment of the age. He is, in a sense, a kind of tragic hero—Hamlet without a murdered father. And like Hamlet he mixes clowning with seriousness, romance with reality, passion with sobriety.

The plan of the book is very clever. It is constructed as a narrative, with three characters representing three aspects of the writer's self. His youth and gaiety are embodied in Mezzetin, a figure from the Commedia dell' Arte; his practical wisdom and intellectual seriousness in the Conjuror; the remainder in "I." This trinity moves through a sort of rhapsodical nightmare which includes sojourns in London, Venice, Athens, and the trenches during the Great War. Mezzetin loses his life in the War, and in the period of despair which follows, the platitudinous optimism of the Conjuror becomes too much, and "I" pitches him into the river. "I," bereft of youth and romance, and having renounced reason, then marries and settles down to an unquestioning life of routine, broken in unguarded moments by heart-searing memories:

> Scraps of song and distant laughter,
> Tinkling of a ghostly mandoline,
> Memories of Athens and of Naples,
> Of a life once vowed to truth and beauty,
> Pierce me till I start and gasp in anguish. . . .

Although Mr. Aldington in his recent work has wandered often from the main path of Imagism—a path which he himself helped to lay out—I believe he has left it for wider thoroughfares. Pure Imagism as a method is excellent; as a result it frequently leaves much to be longed for. Objectivity, which of course is the soul of Imagism, is used to splendid advantage in A Fool i' the Forest, strengthening the poetic fabric, but never becoming obtrusive. It strikes a balance with subjectivity. Balance and variety are also obtained by the use of changing rhythms. These pass all the way from the cadences of ordinary prose to the most pronounced metrical schemes of Tennyson and ragtime.

The mention of ragtime brings me to one of the high spots in the book, a satire on American oratory and popular songs which is put into the mouth of Mezzetin. This wag, imitating a Yankee, announces that the Parthenon has been purchased by a syndicate of cultured American businessmen, is being repaired,

> And in three weeks this old building
> Will be as large and weather-proof
> As the Capitol at Washington, D. C.
> This, ladies and gentlemen, fellow-citizens,
> Is another proof of the hearty coöperation
> And good-will of the New World to old Eurrup.

After this witty thrust he bursts into a jazz song which is priceless:

> O Pall Athena
> Amurica lo-oves you,
> O Pall Athena
> Here's a han' to you-ou
> Hoodle-hoo, hoodle-hoo,
> Our biggest high-brows

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Are nuts on culture,
An' our co-eds are
Readin' Homer through,
Toodle-oo, toodle-oo,
Our millionaires are buyin' Euripydes too
Hoodle-hoo, hoodle-hoo,
And down in Boston where they bake the beans
They know what Happapappazouglos means,
So Pall Athena
Here's a han' to you,
Hoo-hoo-hoo-hoo.

But it must not be gathered that the book is preponderantly burlesque. It is not. Much of it is sombre and brooding, and it holds many passages of exquisite lyricism. In a lament on the death of Byron, for example, occurs the following:

O break the silver trumpet and the lyre,
Sully the marble, cut the crispéd bronze;
Byron is dead.

And in a description of coming night we find these arresting lines:

The pure Athenian air grew dark
Like violet wine that drop by drop
Tints a clear pool.

There are many other places in the poem where this clear flaming beauty appears, and they make one wish for even more. Admirable as Mr. Aldington's satire is, and admirable as it might become with the mellowing influence of time, I cannot but think that he is primarily a lyricist, and that his songs will outlive his jests. No one will dispute, however, that in the present volume he has achieved an astonishing synthesis—the synthesis of Mezzetin, the Conjuror, and "I." In the story he may kill off the first two, but their deaths are only fictive. Actually they live on every page. Like all good trinities, this one, which began as one in three, ends by being three in one.

GLENN HUGHES.

A Roll-Call of the States

These United States (Second Series). A Symposium, edited by Ernest Gruening. New York: Boni and Liveright. 436 pages. $3.

DR. ERNEST GRUENING has now published the second and final volume of These United States, a symposium most of the chapters of which were printed in the pages of the Nation (New York). The first volume was reviewed in the New Republic at the time of its appearance (August 8, 1923); and the additional material now published requires few additions to, and no subtractions from, what was then said. With rare editorial skill, Doctor Gruening has persuaded as diverse a group of writers as ever appeared in one company to curb their temperamental impulses and do a first-class job of reporting. Among others, such unlike talents as those of Sinclair Lewis, Willa Cather, Burton Rascoe, Clayton Hamilton, Theodore Dreiser, Charles W. Wood, Manley Hudson and Elizabeth Shepley Sergeant have been harnessed successfully to the job of purveying useful and interesting information.

While most of the contributors to the second, as well as the first, volume belong to the dissenting minority which finds rather more to blame than to praise in American civilization, this is by no means true of all of them. The most interesting difference, however, is not the temperamental one between those who are ag'in the government and those who aren't, but is geographical. The New England sketches have a family resemblance to one another; so have those of the Middle West, the Rocky Mountain States, the Pacific Coast. A historian could reconstruct the history of the frontier from the successive stages of culture reported as being now extant in, for example, the Rocky Mountain States, the upper half of the Mississippi Valley, and the territory just west of the Alleghenies. The historical stages of course overlap and are blurred; but in general, the earlier ones in every section are marked by widespread political corruption and the shameless exploitation of natural resources; while later the attack is on another front: the development of big corporations which obtain partial or complete monopolistic control over the necessities of life, aided frequently by at least the discreet acquiescence of the political authorities. In these later stages there is also, of course, a growing cultural enrichment with increasing attention to education, art and literature.

The rich and kaleidoscopic pattern of a scene so variegated as this is painted by the contributors to Doctor Gruening's symposium with skill and sympathy. The two volumes taken together constitute the best single portrait of this country which, so far as the reviewer is aware, has yet been produced. Unlike another famous compendium These United States by no means leaves the reader with the burning desire to escape these shores and flee to the kindly civilization of the boulevards. On the contrary, it makes you want to jump in and join the fun.

B. B.

Father Abraham, by Irving Bachelor. Indianapolis: The Bobbs-Merrill Company. $2.

IF Alger had ever written a historical novel this would be it, in polysyllabic version. It is an admirable volume, lush in language and moral in tone. The usual quota of lay figures is in evidence. One of them is clothed in a solemn virtue, a plethora of anecdote, and a little shawl, and says My Son at the beginning of every speech. These properties identify him with the myth we love to substitute for Abraham Lincoln. Everything comes out well in the end, except that the President is shot.

Father Abraham is the sort of book that helps to insure young boys against literary discrimination in later life.

B. G.

Contributors

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FRANK H. SIMONDS, journalist, is the author of They Shall Not Pass—Verdun, 1916, and A History of the World War in five volumes.

SCHUYLER JACKSON has published many poems in English periodicals.

AGNES DELIMA, who is making a study of experimental schools, has contributed a number of articles on education to the Nation and the New Republic.

GLENN HUGHES is assistant professor of English and dramatic art in the University of Washington, Seattle. He is the author of two volumes of verse and several short plays, and has translated many Japanese poems.

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